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PENNSYLVANIA BULLETIN

Volume 29

Number 25

Saturday, June 19, 1999 • Harrisburg, Pa.

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 295, June 1999

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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Part II

This part contains the
Department of Labor and Industry's
Workers' Compensation Health and Safety

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1999-3]

Prohibition of Sexual Harassment in the Commonwealth

May 13, 1999

Whereas, sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery; and

Whereas, the Commonwealth of Pennsylvania, Pennsylvania's largest employer, has an obligation to assertively address sexual harassment issues in the workplace; and

Whereas, sexual harassment shall not be tolerated in Commonwealth workplaces under any circumstances; and

Whereas, this Administration is committed to providing a work environment where employees, applicants for employment, or individuals receiving services from the Commonwealth shall not be subjected to sexual harassment; and

Whereas, to prevent sexual harassment in the workplace, all managers, supervisors, and employees must be made aware of the Commonwealth's sexual harassment policy, the steps to take when concerns arise, and our commitment to address instances of sexual harassment aggressively and equitably.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby adopt and reaffirm the Commonwealth's sexual harassment policy as follows:

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

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§ 7.591. Prohibition.

No department, board, commission or other agency under the jurisdiction of the Governor may tolerate sexual harassment by a Commonwealth employee against another employee, applicant for employment or client or other person receiving services from or conducting business with the Commonwealth. Sexual harassment in Commonwealth work settings is strictly forbidden. Further, no department, board, commission or other agency under the jurisdiction of the Governor may tolerate acts of sexual harassment by persons not employed by the Commonwealth within Commonwealth offices or upon employees of the Commonwealth in the performance of their duties. Sexual harassment is a violation of Federal and State law. Therefore, all Federal and State laws relating to sexual harassment or sex discrimination, or both, will be enforced.

§ 7.592. Prohibited actions.

(a) Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(1) Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's employment.

(2) Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual.

(3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) Prohibited sexual harassment may include actions by members of the opposite sex of an employee as well as members of an employee's own sex. Prohibited sexual harassment may include actions which are overtly sexual or facially neutral if the actions constitute gender-based discrimination.

§ 7.593. Disciplinary action.

A Commonwealth employee who engages in or knowingly condones sexual harassment related to Commonwealth employment shall be subject to disciplinary action, up to and including dismissal.

§ 7.594. Retaliation.

Retaliation in any form against an employee, applicant for employment, client or person conducting business with or receiving services from the Commonwealth who exercises his right to make a good faith complaint under this subchapter or who cooperates in an investigation of any complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

§ 7.595. Education.

Commonwealth employees will be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, workplace discussions or individual counseling. Commonwealth employees will be provided with a copy of this subchapter and shall sign an acknowledgement that they have received and reviewed the policy.

§ 7.596. Workplace environment.

Agency heads shall create a workplace environment which encourages discussion of sexual harassment issues, where employees are educated and sensitized to sexual harassment, and where individuals with sexual harassment questions or complaints are provided with a response which is clear, impartial and timely.

§ 7.597. Complaint mechanism.

The Secretary of Administration shall require each agency to have an effective complaint mechanism which ensures that an employee does not have to complain to the alleged harasser and which provides for prompt and effective investigation of complaints. The Secretary of Administration shall also have the authority to issue Management Directives and establish rules necessary to carry out the mandates of this subchapter.

§ 7.598. Oversight and resolution of complaints and appeals.

The Office of Administration, Bureau of Equal Employment Opportunity, shall provide appropriate oversight and resolution of complaints and appeals.

§ 7.599. Commonwealth policy.

This subchapter and Management Directive 505.30, Prohibition of Sexual Harassment in Commonwealth Work Settings, together constitute the Commonwealth's sexual harassment policy.

§ 7.600. Cooperation by State agencies.

All Commonwealth departments, boards, commissions and other agencies under the jurisdiction of the Governor shall cooperate fully with the Secretary of Administration and provide assistance and information, as needed, in the implementation of this subchapter.

§ 7.601. Rescission.

Executive Order 1996-14, Prohibition of Sexual Harassment in the Commonwealth is rescinded.

A handwritten signature in black ink, reading "Tom Ridge". The signature is fluid and cursive, with a long horizontal stroke at the end.

Governor

Fiscal Note: GOV 99-5. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-961. Filed for public inspection June 18, 1999, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 350]

Order Rescinding Rule 361; No. 244 Criminal Procedural Rules Doc. No. 2

Order

Per Curiam:

And Now, this 2nd day of June, 1999, Pa.R.Cr.P. 361 is hereby rescinded.

[Pa.B. Doc. No. 99-962. Filed for public inspection June 18, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Amended Local Rule 211: Motions Court; No. 991 of 1999, G.D.

Order

And Now, this 20th day of May, 1999, it is hereby ordered that the Fayette County Rule of Civil Procedure 211, subsection (g)(7) and Number 7 of the Certificate is hereby repealed and the new subsection (g)(7) and Number 7 of the Certificate is hereby adopted. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Amended Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 211.

MOTIONS COURT

(g)(7) A statement indicating the length of time to resolve the motion on its merits.

CERTIFICATE

7. Estimated time to resolve the motion on its merits: _____.

[Pa.B. Doc. No. 99-963. Filed for public inspection June 18, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Oral Orders

The State Board of Occupational Therapy Education and Licensure (Board) proposes to add § 42.25 (relating to oral orders), to read as set forth in Annex A.

A. *Effective Date*

The proposed regulation would be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The Board has authority to adopt regulations not inconsistent with the law as it deems necessary for the performance of its duties and the proper administration of the law under section 5(b) of the Occupational Therapy Practice Act (act) (63 P. S. § 1505(b)).

C. *Background and Purpose*

Section 14 of the act (63 P. S. § 1514) specifies that implementation of direct occupational therapy to an individual for a specific medical condition must be based on a referral from a licensed physician or a licensed podiatrist. The Board construes this to include services ordered orally by a licensed physician or licensed podiatrist. The proposed regulation clarifies that occupational therapists may accept oral orders under the statute, and codifies the Board's longstanding interpretation of section 14 of the act.

The Board's construction of section 14 of the act in regulatory format will help alleviate uncertainty which currently exists in the regulated community as to whether occupational therapists may accept oral orders. The proposed regulation makes it clear that occupational therapists in private office/private practice settings, as well as in long-term care nursing facilities and home health care agencies, licensed under the Department of Health, may accept oral orders from a physician or podiatrist. Currently, frequent delays occur in providing needed services to consumers due to the time it may take to obtain a written order for services from a physician or podiatrist.

Additionally, if a physician or podiatrist telephones an oral order for occupational therapy services, occupational therapists in long-term care nursing facilities or home health care agency settings, uncertain about their ability to receive the order, may be obliged to summon a nurse, who is less conversant with the profession than the actual practitioner but who is clearly permitted to receive oral orders from a physician or podiatrist, to receive it; occupational therapists in private office settings may believe they are unable to receive the oral order at all.

Therefore, the proposed regulation makes interactions between physicians or podiatrists and occupational therapists more cost-efficient and timely, and prevents delays in providing services, thus preventing harm to consumers who require those services.

The proposed regulation also provides clarification for long-term care nursing facilities and home health care agencies, licensed under the Department of Health, in their utilization of occupational therapy services for their patients. Department of Health regulations for both long term nursing care facilities and home health care agencies provide that a nurse, physician, "or other individual authorized by appropriate statutes and the State Boards in the Bureau of Professional and Occupational Affairs" may receive a physician's oral order for services. 28 Pa. Code § 211.3 (long term care facilities); 28 Pa. Code § 601.31 (home health care agencies). Similarly, the proposed addition is consistent with Department of Public Welfare medical assistance regulations governing reimbursement to home health agencies for services provided to Medical Assistance recipients. Those regulations specifically permit an occupational therapist to receive oral orders from a physician pertaining to the occupational therapist's specialty. 55 Pa. Code § 1249.52. The proposed addition of § 42.25 makes it clear that occupational therapists are individuals "authorized by appropriate statutes and the State Boards in the Bureau of Professional and Occupational Affairs" to receive a physician's oral order for services, and it eliminates ambiguity and uncertainty for these treatment settings.

D. *Description of Proposed Regulation*

New § 42.25(a) specifies that occupational therapists shall accept written referrals from licensed physicians or licensed podiatrists unless the urgency of the medical circumstances requires immediate treatment. In that circumstance, the occupational therapist can accept an oral order if the oral order is immediately transcribed, with the date and time, in the patient's medical record and the occupational therapist who took the order signs it. In subsection (b), the proposed regulation provides that the occupational therapist in a private office setting must obtain the countersignature of the ordering physician or podiatrist within 5 days of receiving it; in the case of an occupational therapist providing services in a facility licensed by the Department of Health, the oral order must be countersigned by the ordering physician or podiatrist in accordance with applicable regulations of the Department of Health governing the licensed facility in question.

E. *Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed regulation the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the profession, educational institutions and interested individuals.

F. *Fiscal Impact and Paperwork Requirements*

1. Commonwealth—There will be no adverse fiscal impact or paperwork requirements imposed.

2. Political subdivisions—There will be no adverse fiscal impact or paperwork requirements imposed.

3. Private sector—There is no adverse fiscal impact associated with this proposed regulation. The proposed regulation's requirement that an oral order must be immediately transcribed in the patient's medical record and countersigned by the ordering physician or podiatrist

in accordance with applicable regulations of the Department of Health governing the licensed facility in which the occupational therapist provides the ordered services places a minimal burden, in terms of paperwork requirements, on the licensee and the ordering physician or podiatrist. However, because careful and detailed recordkeeping is an essential aspect of all health care professionals' practice, licensees and ordering physicians or podiatrists would be keeping the records even in the absence of the specific regulation imposing the requirement.

G. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 3, 1999, the Board submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposed regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor, of objections raised.

I. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Ruth D. Dunnewold, Counsel, State Board of Occupational Therapy Education and Licensure, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 of publication of this proposed rulemaking.

Please reference No. 16A-673 (Oral Orders), when submitting comments.

HANNA GRUEN,
Chairperson

Fiscal Note: 16A-673. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

MINIMUM STANDARDS OF PRACTICE

§ 42.25. Oral orders.

(a) An occupational therapist shall accept a referral in the form of a written order from a licensed physician or licensed podiatrist in accordance with section 14 of the act (63 P. S. § 1514) unless the urgency of the medical circumstances requires immediate treatment. In these circumstances, an occupational therapist may accept an oral order for occupational therapy from a licensed physician or licensed podiatrist, if the oral order is immediately transcribed, including the date and time, in the patient's medical record and signed by the occupational therapist taking the order.

(b) The countersignature of the licensed physician or licensed podiatrist shall be obtained within 5 days of receipt of the oral order in the case of an occupational therapist providing ordered services in a private office setting. In the case of an occupational therapist providing services in a facility licensed by the Department of Health, the countersignature of the licensed physician or licensed podiatrist shall be obtained in accordance with applicable regulations of the Department of Health governing the licensed facility in which the occupational therapist provides the ordered services.

[Pa.B. Doc. No. 99-964. Filed for public inspection June 18, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 137a]

Clean and Green

The Department of Agriculture (Department) gives notice of the interim regulations for implementing the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P. S. §§ 5490.1—5490.13), commonly referred to as the Clean and Green Law.

The most recent amendment of the Clean and Green Law was accomplished by the act of December 21, 1998 (P.L. 1225, No. 156) (Act 156). The interim regulations implement the changes accomplished by Act 156 of 1998, and should be read in conjunction with the existing regulations in Chapter 137 (relating to preferential assessment of farmland and forest land). To the extent any provision of that chapter is inconsistent with any provision of the interim regulations, the interim regulations shall prevail.

In summary, the Clean and Green Law allows owners of agricultural, agricultural reserve or forest reserve land to apply for preferential assessment of their land. If the application is approved, the land receives an assessment based upon its use value, rather than its market value.

Authority

The interim regulations are offered under authority of section 12 of Act 156 (72 P. S. § 5490.4a note). That section requires the Department to promulgate interim regulations to provide county assessors guidelines and standardized worksheets for use in implementing the provisions of Act 156. The interim regulations are specifically exempted from the formal regulatory review process described in the Regulatory Review Act (71 P. S. §§ 745.1—745.15), section 205 of the act of July 31, 1968 (P.L. 764, No. 240) (45 P. S. § 1205) (CDL) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204).

Need for the Interim Regulations

The interim regulations are required by statute. In addition, the interim regulations will help bring about uniform interpretation and application of the Clean and Green Law throughout this Commonwealth. Act 156 amended the Clean and Green Law. The interim regulations are necessary to implement the changes wrought by Act 156, and provide county assessors guidance in determining the appropriate preferential assessment for agricultural, agricultural reserve and forest reserve land enrolled in accordance with the Clean and Green Law.

In summary, the Department is satisfied there is a need for the interim regulations, and that they are otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Summary of the Interim Regulations

The interim regulations implement the amendments to the Clean and Green Law required by Act 156.

Section 137a.2 (relating to definitions) consolidates definitions found in the Clean and Green Law, its current attendant regulations in Chapter 137 and Act 156. It also adds several new terms, such as "enrolled land" and "ineligible land."

Section 137a.3 (relating to eligibility) clarifies the circumstances under which land may be enrolled under the Clean and Green Law to receive a preferential tax assessment. This section clarifies that "farmstead land" is to be included in the eligible land. It also clarifies that ineligible land may be included in an application for preferential assessment, but may not be preferentially assessed. The section contains a number of examples.

Section 137a.5 (relating to deadline for submission of applications) describes the application window for persons seeking preferential assessment of their land under the Clean and Green Law. A landowner who applies for preferential assessment by June 1 of a particular year, and whose application is subsequently approved, will begin to receive the preferential assessment as of the commencement of the tax year of each taxing body in the following calendar year.

Section 137a.7 (relating to fees of the county board for assessment appeals) describes the fees which may be charged by a county board for assessment appeals for processing or amending applications for preferential assessment. Subsection (b) lists the circumstances when an application should be amended without charge.

Section 137a.9 (relating to assessment procedures) describes the assessment process. In summary, the Department will provide a county assessor with use values for various land use categories and land use subcategories. The county assessor will use these values in determining a total use value for a tract of enrolled land. This total use value is used in calculating the preferential assessment for the enrolled land. A county assessor remains free to establish use values that are lower than those provided by the Department.

Section 137a.10 (relating to duration of preferential assessment) describes various circumstances that would alter or end preferential assessment of enrolled land. It also clarifies that the payment of roll-back taxes with respect to some portion of a tract of enrolled land does not automatically trigger the removal of the entire tract from preferential assessment. Subsection (c) sets forth a number of examples to illustrate this point. Subsection (e) lists some of the circumstances under which a county should terminate the preferential assessment of a tract of enrolled land.

Section 137a.11 (relating to calculation and recalculation of preferential assessment) requires a county assessor to recalculate the preferential assessment of currently-enrolled land if farmstead land on the currently-enrolled land is not also preferentially assessed, or if the current assessment was calculated with use values that are higher than those provided by the Department. Also, if a county conducts a countywide reassessment, it must recalculate the preferential assessment of all enrolled land. This section does not limit a landowner's right to seek recalculation of the preferential assessment.

Section 137a.12 (relating to death of an owner of enrolled land) provides that a Class A beneficiary who inherits enrolled land is not liable for roll-back taxes if the tract the beneficiary inherits does not meet the minimum requirements for preferential assessment. If the beneficiary subsequently changes the character or use of the land so that it no longer meets the minimum

requirements for preferential assessment, though, preferential assessment shall cease and roll-back taxes shall be due.

Section 137a.13 (relating to direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit) allows for up to 2 acres of enrolled land to be used for activities related to agriculture and supportive of agricultural production on the remaining enrolled land. Preferential assessment would end on this up-to-2-acre tract, and roll-back taxes would also be due.

Section 137a.14 (relating to wireless or cellular telecommunications facilities) allows for a small portion of enrolled land to be leased for the erection and operation of a cellular communications tower. Preferential assessment ends with respect to the leased tract and roll-back taxes are due with respect to that leased tract, as well.

Section 137a.15 (relating to option to accept or forgive roll-back taxes in certain instances) affords a county assessor the option to waive roll-back taxes with respect to certain enrolled land that is transferred to specific charitable organizations for charitable purposes.

Sections 137a.16 and 137a.17 (relating to transfer of enrolled land for use as a cemetery; and transfer of enrolled land or transfer of an easement or right-of-way across enrolled land for use as a trail) address situations where transfers of enrolled land to specific entities for specific uses are allowed without triggering liability for roll-back taxes or ending preferential assessment of that portion of the enrolled land that is not transferred.

Section 137a.19 (relating to notice of change of application) clarifies that it is the landowner's responsibility to notify the county assessor if the use of the enrolled land changes to something other than agricultural, agricultural reserve or forest reserve, or if there is a change in ownership of the enrolled land.

Section 137a.20 (relating to liability for roll-back taxes) addresses the situations in which a landowner may be liable for roll-back taxes with respect to enrolled land. Subsection (h) provides the formula for calculating roll-back taxes.

Section 137a.21 (relating to duties of a county assessor) provides an overview of the various responsibilities of a county assessor under the Clean and Green Law. These duties involve recordkeeping, recording approved applications, updating records on an annual basis, determining total use values, notifying landowners of changes in status, enforcement, evidence gathering and assessment of roll-back taxes.

Section 137a.22 (relating to disposition of interest on roll-back taxes) implements section 9 of the Clean and Green Law (72 P. S. § 5490.8(b.1)).

Section 137a.23 (relating to civil penalties) restates the penalty provisions set forth in section 5.2 of the Clean and Green Law (72 P. S. § 5490.5b).

Persons Likely to be Affected

The interim regulations implement changes to the Clean and Green Law accomplished by Act 156. Although a number of persons and entities are likely to be impacted by the subject matter of the interim regulations, it is Act 156, rather than these interim regulations, that is driving these impacts.

Owners of agricultural, agricultural reserve and forest reserve land meeting the minimum requirements for preferential assessment set forth in the Clean and Green

Law will be affected by the interim regulations. The use values prescribed by the Clean and Green Law are likely to decrease taxes for these owners of enrolled land.

Taxpayers who do not own agricultural, agricultural reserve and forest reserve land meeting the minimum requirements for preferential assessment in the Clean and Green Law will be impacted by these interim regulations, in that they are the likely entity to be called upon to make up any tax revenue shortfalls caused by a decrease in the taxes of those persons described in the preceding paragraph.

County governments will be affected by the interim regulations, in that there is likely to be expense involved in recalculating preferential assessments as required under the Clean and Green Law. There may also be costs involved as owners of currently-enrolled land seek recalculation of the preferential assessments of their land. In addition, the amendment to the Clean and Green Law accomplished by Act 156 may result in tax revenue shortfalls where collections from agricultural, agricultural reserve and forest reserve lands are lower than anticipated.

Fiscal Impact

Commonwealth

The interim regulations will have no appreciable fiscal impact upon the Commonwealth.

Political Subdivisions

The interim regulations will impose costs upon county governments. As stated previously, counties are likely to incur expenses in recalculating preferential assessments as required under the Clean and Green Law. There may also be costs involved as owners of currently-enrolled land seek recalculation of the preferential assessments of their land. In addition, the amendment to the Clean and Green Law accomplished by Act 156 may result in tax revenue shortfalls where collections from agricultural, agricultural reserve and forest reserve lands are lower than anticipated.

Private Sector

If Act 156 results in counties receiving less tax revenue than anticipated from agricultural, agricultural reserve and forest reserve lands, other taxpayers from the private sector (that is, owners of lands that are not in agricultural use, agricultural reserve or forest reserve) may ultimately be called upon to make up this tax revenue shortfall.

General Public

If Act 156 results in counties receiving less tax revenue than anticipated from agricultural, agricultural reserve and forest reserve lands, other taxpayers (that is, owners of lands that are not in agricultural use, agricultural reserve or forest reserve) may ultimately be called upon to make up this tax revenue shortfall.

Paperwork Requirements

The interim regulations will not result in an appreciable increase in the paperwork handled by the Department.

Regulatory Review

Section 12 of Act 156 exempts the interim regulations from the formal regulatory review process described in the Regulatory Review Act, section 205 of the CDL and section 204(b) of the Commonwealth Attorneys Act.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Raymond C. Pickering, (717) 783-3167.

Sunset/Expiration Date

The interim regulations will expire no later than April 30, 2001, and will be replaced by regulations promulgated as provided by law. This expiration date is prescribed by section 12(b) of Act 156 of 1998.

Effective Date

The interim regulations will take effect upon publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,
Secretary

(Editor's Note: The regulations of the Department, 7 Pa. Code, are amended by adding a statement of policy in §§ 137a.1—137a.24 to read as set forth in Annex A.)

Fiscal Note: 2-125. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 7. AGRICULTURE****PART V-C. FARMLAND AND FOREST LAND****CHAPTER 137a. CLEAN AND GREEN
ACT—STATEMENT OF POLICY**

| Sec. | Purpose. |
|----------|--|
| 137a.1. | Purpose. |
| 137a.2. | Definitions. |
| 137a.3. | Eligibility. |
| 137a.4. | Application forms and procedures. |
| 137a.5. | Deadline for submission of applications. |
| 137a.6. | County processing of applications. |
| 137a.7. | Fees of the county board for assessment appeals. |
| 137a.8. | Fees of the recorder of deeds. |
| 137a.9. | Assessment procedures. |
| 137a.10. | Duration of preferential assessment. |
| 137a.11. | Calculation and recalculation of preferential assessment. |
| 137a.12. | Death of an owner of enrolled land. |
| 137a.13. | Direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit. |
| 137a.14. | Wireless or cellular telecommunications facilities. |
| 137a.15. | Option to accept or forgive roll-back taxes in certain instances. |
| 137a.16. | Transfer of enrolled land for use as a cemetery. |
| 137a.17. | Transfer of enrolled land or transfer of an easement or right-of-way across enrolled land for use as a trail. |
| 137a.18. | Transfer of enrolled land. |
| 137a.19. | Notice of change of application. |
| 137a.20. | Liability for roll-back taxes. |
| 137a.21. | Duties of a county assessor. |
| 137a.22. | Disposition of interest on roll-back taxes. |
| 137a.23. | Civil penalties. |
| 137a.24. | Contacting the Department. |

§ 137a.1. Purpose.

(a) *General.* This chapter provides interim regulations for county boards for assessment appeals and county assessors to implement the act, which revised the act—commonly known as the Clean and Green Law.

(b) *Relationship to Chapter 137.* This chapter should be used in conjunction with regulations in Chapter 137 (relating to preferential assessment of farmland and forest land). If a provision of this chapter is inconsistent with a provision of Chapter 137, the provision of this chapter shall prevail. To the extent a provision of Chapter 137 is not affected by this chapter, the provision of Chapter 137 shall prevail.

§ 137a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings:

Act—The Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P.S. §§ 5490.1—5490.13).

Agricultural commodity—Any of the following:

(i) Agricultural, apicultural, aquacultural, horticultural (including Christmas trees), floricultural, silvicultural, viticultural and dairy products.

(ii) Pasture.

(iii) Livestock and the products thereof, including, but not limited to, equine.

(iv) Ranch-raised furbearing animals and the products thereof.

(v) Poultry and the products of poultry.

(vi) Products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.

(vii) Processed or manufactured products of products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.

Agricultural reserve—Noncommercial open space lands used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for that use, without charge or fee, on a nondiscriminatory basis. The term includes any farmstead land on the tract.

Agricultural use—Land which is used for the purpose of producing an agricultural commodity or is devoted to and meets the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal government.

(i) The term includes any farmstead land on the tract.

(ii) The term includes a woodlot and land which is rented to another person and used for the purpose of producing an agricultural commodity.

Assessment ratio or county's established predetermined ratio—The ratio established by a taxing body that determines on what portion of the assessed value the millage rate is to be levied, as prescribed by assessment law.

Capitalization rate—The percentage rate used to convert income to value, as determined by the most recent 5-year rolling average of 15-year fixed loan interest rates offered to landowners by the Federal Agricultural Mortgage Corporation or other similar Federal agricultural lending institution, adjusted to include the landowner's risk of investment and the effective tax rate.

Contiguous tract—All portions of one operational unit as described in the deed, whether or not the portions are divided by streams, public roads, railroads, rights-of-way or bridges and whether or not the portions are described as multiple tax parcels, tracts, purparts or other property identifiers. The term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

Contributory value of farm building—The value of the farm building as an allocated portion of the total fair market value assigned to the tract, irrespective of replacement cost of the building.

(i) The preferred method of calculating the contributory value of a farm building shall be a method based upon fair market comparison and the extraction of the value of the farm building from the total fair market value of the parcel.

(ii) Alternate methods of calculating this value may be used when the contributory value of a farm building using the preferred approach would not accurately reflect this contributory value.

County—The county assessor, the county board of assessment or other county entity responsible to perform or administer a specific function under the act.

Curtilage—The land surrounding a residential structure and farm building used for a yard, driveway, onlot sewage system or access to any building on the tract.

Department—The Department of Agriculture of the Commonwealth.

Enrolled land—Land eligible for a preferential assessment under an approved application for preferential assessment filed in accordance with the act.

Fair market value—The price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is under no obligation to buy would pay for the property.

Farm building—A structure utilized to store, maintain or house farm implements, agricultural commodities or crops, livestock and livestock products, as defined in the Agricultural Area Security Law (3 P. S. §§ 901—915).

Farmstead land—Curtilage and land situated under a residence, farm building or other building which supports a residence, including a residential garage or workshop.

Forest reserve—Land, 10 acres or more, stocked by forest trees of any size and capable of producing timber or other wood products.

(i) The term includes farmstead land on the tract.

(ii) The term includes land which is rented to another person and used for the purpose of producing timber or other wood products.

Income approach—The method of valuation which uses a capitalization rate to convert annual net income to an estimate of present value. Present value is equal to the net annual return to land divided by the capitalization rate.

Ineligible land—Land which is not used for any of the three eligible uses (agricultural use, agricultural reserve or forest reserve) and therefore cannot receive use value assessment.

Land use category—Agricultural use, agricultural reserve or forest reserve.

Land use subcategory—A category of land in agricultural use, agricultural reserve or forest reserve, established by the Department and assigned a particular use value in accordance with sections 2 and 4.1 of the act (72 P. S. §§ 5490.3 and 5490.4a). A land use subcategory may be based upon soil type, forest type, soil group or any other recognized subcategorization of agricultural or forest land.

Net return to land—Annual net income per acre after operating expenses are subtracted from gross income. Calculation of operating expenses may not include interest or principal payments.

Normal assessment—The total fair market value of buildings and ineligible land on a tract multiplied by the assessment ratio.

Outdoor recreation—Passive recreational use of land that does not entail the erection of permanent structures,

grading of the land, the disturbance or removal of topsoil or any change to the land which would render it incapable of being immediately converted to agricultural use.

(i) The term includes hiking, hunting, horseback riding and similar passive recreational uses of the land.

(ii) The term does not include the use of land for baseball, soccer fields, football fields, golf courses or similar uses.

Pasture—Land, other than land enrolled in the USDA Conservation Reserve Program, used primarily for the growing of grasses and legumes, which are consumed by livestock in the field and at least 90% of which is clear of trees, shrubs, vines or other woody growth not consumed by livestock.

Person—A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

Preferential assessment—The total use value of land qualifying for assessment under the act.

Roll-back tax—The amount equal to the difference between the taxes paid or payable on the basis of the valuation and the taxes that would have been paid or payable had that land not been valued, assessed and taxed as other land in the taxing district in the current tax year, the year of change, and in 6 of the previous tax years or the number of years of preferential assessment up to 7. The amount also includes interest on each year's roll-back at the rate of 6% per annum.

Rural enterprise incidental to the operational unit—An activity or use of land that does not permanently impede or otherwise interfere with the production of an agricultural commodity. Examples of uses that would permanently impede or otherwise interfere with the production of an agricultural commodity include quarrying, mining or selling topsoil.

Separation—A division, by conveyance or other action of the owner, of enrolled land into two or more tracts of land, the use of which continues to be agricultural, agricultural reserve or forest reserve and all tracts so formed meet the requirements of section 2 of the act.

Split-off—A division, by conveyance or other action of the owner, of enrolled land into two or more tracts of land, the use of which on one or more of the tracts does not meet the requirements of section 2 of the act.

Tract—A lot, piece or parcel of land. The term does not refer to any precise dimension of land.

Transfer—A conveyance of all of the enrolled land described in a single application for preferential assessment under the act, when the use of the enrolled land continues to be agricultural use, agricultural reserve or forest reserve.

USDA—United States Department of Agriculture.

USDA-ERS—The United States Department of Agriculture—Economic Research Service.

USDA-NRCS—The United States Department of Agriculture—Natural Resources Conservation Service.

Use value—The value that land qualifying for assessment under the chapter has for its particular use as determined by the county assessor, considering available evidence of the soils capability for its particular use.

Woodlot—An area of less than 10 acres, stocked by trees of any size and contiguous to or part of land in agricultural use or agricultural reserve.

§ 137a.3. Eligibility.

(a) *Inclusion of farmstead land.* Farmstead land is an integral part of land in agricultural use, agricultural reserve or forest reserve. In considering whether land is in agricultural use, agricultural reserve or forest reserve, a county shall include any portion of that land that is farmstead land. Farmstead land shall be considered to be land that qualifies for use value assessment under §§ 137.8—137.10 (relating to land qualifying as an agricultural use; land qualifying as an agricultural reserve; and land qualifying as a forest reserve), and other provisions in Chapter 137 (relating to preferential assessment of farmland and forest land) referencing land in agricultural use, agricultural reserve and forest reserve.

(b) *Residence not required.* A county may not require that an applicant for preferential assessment under the act be a resident of the county or reside on the land with respect to which preferential assessment is sought.

(c) *Common ownership required.* A landowner seeking preferential assessment under the act shall be the owner of every tract of land listed on the application.

Example 1: Husband and wife are joint owners of 2 contiguous 100-acre tracts of farmland. They have common ownership of both tracts and may include these tracts in a single application for preferential assessment.

Example 2: Husband and wife are joint owners of a 100-acre tract of farmland. Husband and son are joint owners of a contiguous 100-acre tract of farmland. These two tracts may not be combined in a single application for preferential assessment.

(d) *County-imposed eligibility requirements.* A county assessor may not impose eligibility requirements or conditions other than those prescribed in section 2 of the act (72 P. S. § 5490.3).

Example: A county may not require an owner of contiguous—but separately deeded—tracts of land to consolidate the tracts in a single deed or require any alteration of existing deeds as a condition of eligibility for preferential assessment.

(e) *Multiple tracts on a single application.* A landowner seeking preferential assessment under the act may include more than one tract in a single application for preferential assessment, regardless of whether the tracts on the application have separate deeds, are identified by separate tax parcel numbers or are otherwise distinct from each other.

(1) *Contiguous tracts.* A landowner seeking preferential assessment under the act may include in the application individual contiguous tracts that would not—if considered individually—qualify for preferential assessment. If two or more tracts on a single application for preferential assessment are contiguous, the entire contiguous area shall meet the use and minimum size requirements for eligibility.

(2) *Noncontiguous tracts.* If any tract on a single application for preferential assessment is not contiguous to another tract described on that application, that individual tract shall—by itself—meet the use and minimum size requirements for eligibility.

(f) *Inclusion of all contiguous land described in the deed to the tract with respect to which enrollment is*

sought. A landowner may not apply for preferential assessment for less than the entire contiguous portion of land described in the deed applicable to a tract with respect to which preferential assessment is sought.

Example 1: A landowner owns a single, 100-acre tract of farmland described in a single deed, and wishes to apply for preferential assessment under the act. The application may not be for less than the entire 100 acres.

Example 2: A landowner owns 150 acres of farmland described in a single deed, and wishes to apply for preferential assessment under the act. The deed to this land describes 3 separate tracts: 2 contiguous 50-acre tracts and a noncontiguous 50 acre tract. The landowner has the option to enroll either of the 2 contiguous tracts individually or to enroll both tracts together in preferential assessment. The landowner also has the option to enroll or not enroll the noncontiguous 50-acre tract.

(g) *Exclusion of noncontiguous tract described in a single deed.* If two or more tracts of land are described in a single deed, a landowner seeking preferential assessment under the act may exclude from the application for preferential assessment any separately-described tract that is not contiguous to the tract or tracts for which preferential assessment is sought.

Example: A landowner owns 150 acres of farmland described in a single deed, and wishes to apply for preferential assessment under the act. The deed to this land describes 3 separate tracts: 2 contiguous 50-acre tracts and a noncontiguous 50 acre tract. The landowner has the option to seek to enroll the noncontiguous 50-acre tract.

(h) *Landowner may include or exclude from the application tracts described in separate deeds.* If the landowner seeking preferential assessment under the act owns contiguous tracts that are described in separate deeds, the landowner may include or exclude any of the contiguous tracts from the application for preferential assessment.

(i) *Land adjoining preferentially assessed land with common ownership is eligible.*

(1) *General.* A tract of land in agricultural use, agricultural reserve or forest reserve shall receive a preferential assessment under the act regardless of whether the tract meets the 10-contiguous-acres minimum acreage requirement or the \$2,000-per-year minimum anticipated gross income requirement, or both, established in section 2 of the act if all of the following occur:

(i) The landowner owns both the tract for which preferential assessment is sought and a contiguous tract of enrolled land.

(ii) The landowner files an amended application for preferential assessment, describing both the tract for which preferential assessment is sought and the contiguous tract of enrolled land. The amended application shall be in accordance with the act, this chapter and Chapter 137.

(2) *Roll-back taxes.* A violation of the provisions of preferential assessment on a tract added under paragraph (1) shall trigger roll-back taxes on that tract and all other contiguous tracts identified in the amended application.

(j) *Ineligible land may appear on an application, although it cannot receive preferential assessment.* A landowner seeking preferential assessment under the act

shall include ineligible land on the application if the ineligible land is part of a larger contiguous tract of eligible land, and the use of the land which causes it to be ineligible exists at the time the application is filed. Although this ineligible land may not receive preferential assessment, the applicant shall specify the boundaries and acreage of the ineligible land and may not be required, as a condition of county acceptance or approval of the application, to survey or re deed the tract so as to exclude the ineligible land.

Example: A landowner owns a 100-acre tract of land—90 acres of which is productive farmland and 10 acres of which is occupied by an auto salvage yard. If the landowner seeks preferential assessment of the 90 acres of farmland, the application shall describe the entire 100-acre tract and the county will not require the 10-acre tract be surveyed-out or re deeded as a prerequisite to the application being considered. If preferential assessment is granted, it will apply to the 90 acres of farmland. The 10-acre tract would continue to be assigned its fair market value and assessed accordingly.

(k) *Multiple land use categories on a single application.* An applicant for preferential assessment under the act may include land in more than one land use category in the application. A county assessor shall allow the applicant to submit an application that designates those portions of the tract to be assessed under each of the different land use categories.

Example: A landowner owns 100 acres of land. The landowner may submit an application that designates 75 acres in agricultural use, 13 acres in agricultural reserve and 12 acres in forest reserve, if the acreage identified by the landowner for the particular land use category meets the minimum criteria in section 2 of the act for that land use category.

(l) *Assessment of ineligible land.* Land and buildings that are included in an application for preferential assessment under the act but are ineligible for preferential assessment shall be given a fair market value and shall be assessed accordingly.

§ 137a.4. Application forms and procedures.

(a) *Standardized application form required.* A county shall require a person seeking to apply for preferential assessment under the act to make that application on a uniform preferential assessment application form developed by the Department. The Department will provide these forms to a county upon request. The county shall maintain an adequate supply of these forms.

(b) *Required language.* An application for preferential assessment shall contain the following statement:

The applicant for preferential assessment hereby agrees, if the application is approved for preferential assessment, to submit 30 days written notice to the County Assessor of a proposed change in use of the land, a change in ownership of a portion of the land or of any type of division or conveyance of the land. The applicant for preferential assessment hereby acknowledges that, if the application is approved for preferential assessment, roll-back taxes under the act in 72 P. S. § 5490.5a may be due for a change in use of the land, a change in ownership of any portion of the land, or any type of division or conveyance of the land.

(c) *Signature of all landowners required.* An application for preferential assessment shall not be accepted by a

county if it does not bear the signature of all of the owners of the land described in the application.

§ 137a.5. Deadline for submission of applications.

(a) *General.* A landowner seeking preferential assessment under the act shall apply to the county by June 1. If the application is approved by the county, preferential assessment shall be effective as of the commencement of the tax year of each taxing body commencing in the calendar year immediately following the application deadline.

Example 1: A landowner applies for preferential assessment on or before June 1, 1999. The application is subsequently approved. Preferential assessment shall be effective as of the commencement of the tax year for each taxing body in calendar year 2000.

Example 2: A landowner applies for preferential assessment on or after June 2, 1999, but not later than June 1, 2000. The application is subsequently approved. The application deadline is June 1, 2000. Preferential assessment shall be effective as of the commencement of the tax year for each taxing body in calendar year 2001.

(b) *Exception: years in which a county implements countywide reassessment.* In those years when a county implements a countywide reassessment, or a countywide reassessment of enrolled land, the application deadline shall be extended to either a date 30 days after the final order of the county board for assessment appeals or by October 15 of the same year, whichever date is sooner. This deadline is applicable regardless of whether judicial review of the order is sought.

§ 137a.6. County processing of applications.

A county shall accept and process in a timely manner all complete and accurate applications for preferential assessment so that, if the application is accepted, preferential assessment is effective as of the tax year of each taxing body commencing in the calendar year immediately following the application deadline.

Example 1: An application for preferential assessment is filed on or before June 1, 1999. The county must review and process the application so that—if the application is approved—preferential assessment can take effect as of the commencement of the tax year of each taxing body commencing in 2000 (the calendar year immediately following the application deadline).

Example 2: An application for preferential assessment is filed at some point from June 2, 1999, through June 1, 2000. The county must review and process the application such that—if the application is approved—preferential assessment can take effect as of the commencement of the tax year of each taxing body commencing in 2001 (the calendar year immediately following the application deadline).

§ 137a.7. Fees of the county board for assessment appeals.

(a) *Application processing fee.* A county board for assessment appeals may impose a fee of no more than \$50 for processing an application for preferential assessment under the act, or for processing changes other than those described in subsection (b). This fee may be charged regardless of whether the application is ultimately approved.

(b) *Circumstances under which initial application shall be amended without charge.* A county board for assess-

ment appeals may not charge any fee for amending an initial application for preferential assessment to reflect changes resulting from one or more of the following:

- (1) Split-off.
- (2) Separation.
- (3) Transfer or change of ownership.

§ 137a.8. Fees of the recorder of deeds.

A recorder of deeds may charge a landowner whose application for preferential assessment is approved a fee for filing the approved application in a preferential assessment docket. This fee may also be charged with respect to the filing of an amendment to a previously-approved application. A recording fee may not be charged unless the application or amendment has been approved by the county board for assessment appeals. The maximum fee for recording approved preferential assessment applications and amendments thereto shall be in accordance with laws relating to the imposition of fees by recorders of deeds.

§ 137a.9. Assessment procedures.

(a) *Use values and land use subcategories to be provided by the Department.* The Department will determine the land use subcategories and provide county assessors use values for each land use subcategory. The Department will provide these land use subcategories and use values to each county assessor by June 30, 1999, and by May 1 of each year thereafter.

(b) *Determining use values and land use subcategories.*

(1) *Agricultural use and agricultural reserve.* In calculating appropriate county-specific agricultural use values and agricultural reserve use values, and land use subcategories, the Department will consult with the Department of Agricultural Economics and Rural Sociology of the College of Agricultural Sciences at the Pennsylvania State University, the Pennsylvania Agricultural Statistics Service, USDA- ERS, USDA-NRCS and other sources the Department deems appropriate. In determining county-specific agricultural use and agricultural reserve use values, the Department will use the income approach for asset valuation.

(2) *Forest reserve.* In calculating appropriate county-specific forest reserve use values and land use subcategories, the Department will consult with the Bureau of Forestry of the Department of Conservation and Natural Resources.

(c) *County assessor to determine total use value.*

(1) For each application for preferential assessment, the county assessor shall establish a total use value for land in agricultural use and agricultural reserve, including farmstead land, by considering available evidence of the capability of the land for its particular use utilizing the USDA-NRCS Agricultural Land Capability Classification system and other information available from USDA-ERS, The Pennsylvania State University and the Pennsylvania Agricultural Statistics Service. Contributory value of farm buildings shall be used.

(2) For each application for preferential assessment, the county assessor shall establish a total use value for land in forest reserve, including farmstead land, by considering available evidence of capability of the land for its particular use. Contributory value of farm buildings shall be used.

(d) *Determining preferential assessment.* The preferential assessment of land is determined by multiplying the

number of acres in each land use subcategory by the use value for that particular land use subcategory, and then adding these products. The Department will establish land use subcategories as part of the procedure to establish use values.

(e) *Option of county assessors to establish and use lower use values.* A county assessor may establish use values that are less than the use values established by the Department. A county assessor may use these lower use values in determining preferential assessments under the act. Regardless of whether the county assessor applies use values established by the Department or lower use values established by the county assessor, the county assessor shall apply the use values uniformly when calculating or recalculating preferential assessments, and shall apply these use values to the same land use subcategories as established by the Department. Calculation and recalculation of preferential assessments shall be made in accordance with § 137a.11 (relating to calculation and recalculation of preferential assessment). A county assessor may not, under any circumstances, establish or apply use values that are higher than those use values established by the Department.

§ 137a.10. Duration of preferential assessment.

(a) *General.* Enrolled land shall remain under preferential assessment for as long as it continues to meet the minimum qualifications for preferential assessment. Land that is in agricultural use, agricultural reserve or forest reserve shall remain under preferential assessment even if its use changes to either of the other two uses.

Example: A landowner owns a 100-acre tract of enrolled land, consisting of 85 acres in agricultural use and 15 acres in forest reserve. If the landowner later amends his application to one in which 60 acres are in agricultural use, 30 acres are in agricultural reserve and 10 acres are in forest reserve, the entire 100-acre tract continues to receive preferential assessment (although different use values and land use subcategories may apply in recalculating the preferential assessment).

(b) *Split-offs, separations, transfers and other events.* Split-offs, separations and transfers under the act, Chapter 137 or this chapter may not result in termination of preferential assessment on the land which is retained by the landowner and which continues to meet the requirements of section 2 of the act (72 P.S. § 5490.3). In addition, the following events may not result in termination of preferential assessment on that portion of enrolled land which continues to meet the requirements of section 2 of the act:

(1) The lease of a portion of the enrolled land to be used for a wireless or cellular communication tower in accordance with section 6(b.1) of the act (72 P.S. § 5490.6(b.1)) and § 137a.14 (relating to wireless or cellular telecommunications facilities).

(2) The change of use of a portion of the enrolled land to another land use category (agricultural use, agricultural reserve or forest reserve).

(3) Condemnation of a portion of the land.

(4) The sale or donation of a portion of the enrolled land to any of the entities described in section 8(b)(1)–(7) of the act (72 P.S. § 5490.8(b)(1)–(7)), for the purposes described in that section, and § 137a.15 (relating to option to forgive roll-back taxes in certain instances).

(5) The use of up to 2 acres of the enrolled land for direct commercial sales of agriculturally related products

or for a rural enterprise incidental to the operational unit, in accordance with section 8(d) of the act, and § 137a.13 (relating to direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit).

(6) The transfer of a portion of the enrolled land to a nonprofit corporation for use as a cemetery, in accordance with section 8(d) of the act and § 137a.16 (relating to transfer of enrolled land for use as a cemetery).

(7) The transfer of a portion of the enrolled land to a nonprofit corporation for use as a trail, in accordance with section 8(a) of the act and § 137a.17 (relating to transfer of enrolled land or transfer of an easement or right-of-way across enrolled land for use as a trail).

(8) The distribution, upon the death of the owner of the enrolled land, of the enrolled land among the beneficiaries designated as Class A for inheritance tax purposes, in accordance with section 6(d) of the act and § 137a.12 (relating to death of an owner of enrolled land).

(c) *Payment of roll-back taxes does not affect preferential assessment of remaining land.* The payment of roll-back taxes and interest under the act, Chapter 137 (relating to preferential assessment of farmland and forest land) or this chapter may not result in termination of preferential assessment on the remainder of the land covered by preferential assessment.

Example 1: A landowner owns a 100-acre tract of enrolled land, which is in agricultural use. The landowner splits-off a tract of no more than 2 acres and uses that 2-acre tract for a residential dwelling as described in section 6(a.1)(1)(i) of the act and meets the other criteria in that paragraph. Although the 2-acre tract is no longer entitled to receive a preferential assessment, the 98-acre tract shall continue to receive a preferential assessment. Also, roll-back taxes would be due with respect to the 2-acre tract.

Example 2: Landowner A owns a 100-acre tract of enrolled land, which is in agricultural use. Landowner A splits-off a 2-acre tract and sells it to Landowner B, with the understanding that Landowner B will use the land for a residential dwelling permitted under section 6(a.1)(1)(i) of the act. Landowner B does not erect the permitted residential dwelling, but converts the 2-acre tract to commercial use. Landowner B owes roll-back taxes with respect to the entire 100-acre tract (under section 6(a.1) of the act). If the 98-acre tract owned by Landowner A continues in agricultural use, agricultural reserve or forest reserve, and continues to meet the requirements of section 2 of the act, it shall continue to receive a preferential assessment.

Example 3: Landowner A owns a 100-acre tract of enrolled land, which is in agricultural use. Landowner A separates the land into a 50-acre tract and two 25-acre tracts, and sells a 25-acre tract to Landowner B. All 100 acres continue in agricultural use and continue to meet the requirements of section 2 of the act. No roll-back taxes are due. The entire 100-acre tract shall continue to receive a preferential assessment.

Example 4: Same facts as Example 3, except that within 7 years of the separation, Landowner B changes the use of his 25-acre tract to something other than agricultural use, agricultural reserve or forest reserve. Landowner B shall pay roll-back taxes with respect to the entire 100-acre tract (under

section 6(a.2) of the act). If the 75 acres owned by Landowner A continues in agricultural use, agricultural reserve or forest reserve, and continues to meet the requirements of section 2 of the act, shall continue to receive a preferential assessment under the Act.

Example 5: Same facts as Example 3, except that more than 7 years after the date of separation, Landowner B changes the use of his 25-acre tract to something other than agricultural use, agricultural reserve or forest reserve. Landowner B shall pay roll-back taxes on his 25-acre tract (under section 6(a.2) of the act). If the 75 acres owned by Landowner A continues in agricultural use, agricultural reserve or forest reserve, and continues to meet the requirements of section 2 of the act, it shall continue to receive a preferential assessment under the act.

(d) *Termination of preferential assessment by county.* The maximum area with respect to which a county may terminate preferential assessment may not exceed:

(1) In the case of a split-off that is not a condemnation and that meets the maximum size, use and aggregate acreage requirements in section 6(a.1)(1)(i) of the act, the land so split-off.

(2) In the case of a split-off that is not a condemnation and that does not meet the maximum size, use and aggregate acreage requirements in section 6(a.1)(1)(i) of the act, all contiguous land enrolled under the application for preferential assessment.

(3) In the case when the owner of enrolled land changes the use of the land so that it no longer meets the requirements in section 2 of the act, all contiguous land enrolled under the application for preferential assessment.

(4) In the case when the owner of enrolled land leases a portion of that land for wireless or cellular telecommunications in accordance with section 6(b.1) of the act, and § 137a.14, the land so leased.

(5) In the case of condemnation, the land so condemned.

(6) In the case when enrolled land is sold or donated to an entity described in section 8(b)(1)–(7) of the act in accordance with the requirements in those paragraphs, the land so sold or conveyed.

(7) In the case when not more than 2 acres of enrolled land is used for direct commercial sales of agriculturally related products and activities or for rural enterprises incidental to the operational unit, in accordance with section 8(d) of the act and § 137a.13, the land so used for those purposes.

(8) In the case when a portion of enrolled land is transferred to a nonprofit corporation for use as a cemetery in accordance with section 8(e) of the act and § 137a.16, the land so transferred.

(9) In the case when a portion of the enrolled land is transferred to a nonprofit corporation for use as a trail in accordance with section 8(e) of the act and § 137a.17, the land so transferred.

(10) In the case when enrolled land is distributed upon the death of the landowner among the beneficiaries designated as Class A for inheritance tax purposes in accordance with section 6(d) of the act and § 137a.12, the portion that fails to meet the requirements for preferential assessment in section 2 of the act.

(e) *Transfer does not trigger roll-back taxes.* The transfer of all of the enrolled land described in a single application for preferential assessment to a new owner without a change of use shall not trigger the imposition of roll-back taxes.

§ 137a.11. Calculation and recalculation of preferential assessment.

(a) *New values each year.* As described in § 137a.9(b) (relating to assessment procedures), the Department will determine the land use subcategories and provide a county use values for each land use subcategory. The Department will provide these land use subcategories and use values to each county assessor by June 30, 1999, and by May 1 of each year thereafter.

(b) *Required recalculation of preferential assessment if current assessment is based upon use values higher than those provided by the Department.* A county assessor shall calculate the preferential assessment of all enrolled land in the county using either the current use values and land use subcategories provided by the Department or lower use values established by the county assessor. This calculation shall be accomplished in accordance with § 137a.9 so that the recalculated assessments take effect as of the commencement of the tax year of each taxing body commencing in 2000.

Example 1: All of the enrolled land in a particular county receives a preferential assessment under the act that is calculated with use values that are lower than the use values provided by the Department. The county has the option of either continuing to assess all enrolled land using its lower use values or recalculating the preferential assessment of all enrolled land using the use values provided by the Department.

Example 2: All of the enrolled land in a particular county receives a preferential assessment under the act that is calculated with use values that are higher than the use values provided by the Department. The county shall recalculate the preferential assessment of all enrolled land using either the use values provided by the Department or lower use values determined by the county assessor. This recalculation shall be accomplished to take effect in the tax year of each taxing body commencing in 2000.

(c) *Required recalculation of preferential assessment if farmstead land has not been preferentially assessed as agricultural use, agricultural reserve or forest reserve.* A county assessor shall recalculate the preferential assessment on any tract of enrolled land which contains farmstead land if the earlier calculation did not value and assess the farmstead land as agricultural use, agricultural reserve or forest reserve. This recalculation shall be accomplished in accordance with § 137a.9, and shall be accomplished so that the recalculated assessments take effect as of the commencement of the tax year of each taxing body commencing in 2000.

Example: In calculating the preferential assessment of enrolled land, a county has assessed farmstead land at its fair market value, rather than as part of the land that is in agricultural use, agricultural reserve or forest reserve. The county shall recalculate these assessments so that the farmstead land receives preferential assessment, rather than assessment based on fair market value. The recalculation shall be completed so that it can take effect with the commencement of the tax year of each taxing body commencing in 2000.

(d) *Required recalculation of preferential assessment if contributory value of farm buildings has not been used in determining preferential assessment of land in agricultural use, agricultural reserve or forest reserve.* A county assessor shall recalculate the preferential assessment on any tract of enrolled land if the earlier calculation did not consider the contributory value of any farm buildings on that land. This recalculation shall be accomplished in accordance with § 137a.9, and shall be accomplished so that the recalculated assessments take effect as of the commencement of the tax year of each taxing body commencing in 2000.

(e) *Required recalculation of preferential assessment in county-wide reassessment.* If a county undertakes a county-wide reassessment, or a county-wide reassessment of enrolled land, the county assessor shall recalculate the preferential assessment of all of the enrolled land in the county, using either the current use values and land use subcategories provided by the Department, or lower use values established by the county assessor and land use subcategories provided by the Department.

(f) *Land enrolled prior to June 2, 1998.* A county assessor is not obligated under the act or this chapter to recalculate the preferential assessment of land that is the subject of applications for preferential assessment filed on or before June 1, 1998, unless recalculation is required under subsections (b), (c), (d) or (e).

(g) *Caveat.* This chapter does not limit or prohibit an owner of enrolled land from requesting the county assessor to recalculate the preferential assessment for the enrolled land, or to supercede another law or regulation relating to the procedure for pursuing or seeking reassessment.

§ 137a.12. Death of an owner of enrolled land.

(a) *Inheriting a tract that does not meet minimum requirements for preferential assessment.* Upon the death of an owner of enrolled land, if any of the enrolled land that is divided among the beneficiaries designated as Class A for inheritance tax purposes no longer meets the minimum qualifications for preferential assessment, preferential assessment shall terminate with respect to the portion of the enrolled land that no longer meets the minimum requirements for preferential assessment, and no roll-back tax may be charged on any of the land that no longer meets the requirements for preferential assessment.

Example: Landowner A owns 100 acres of enrolled land, which is in agricultural use. Landowner A dies, and the land is divided among several Class A beneficiaries, as follows: Landowner B—75 acres. Landowner C—2 acres. Landowner D—23 acres. The tracts owned by Landowners B and D continue in agricultural use. The 2-acre tract owned by Landowner C no longer meets the size or income requirements in section 2 of the act (72 P.S. § 5490.3). Under these facts, preferential assessment of the 2-acre tract ends. Landowner C does not owe roll-back taxes with respect to this tract. Landowners B and D continue to receive preferential assessment.

(b) *Inheriting a tract that meets the minimum requirements for preferential assessment.* If a person designated as Class A beneficiary inherits a tract that meets the minimum requirements for preferential assessment, and the tract continues in agricultural use, agricultural reserve or forest reserve, preferential assessment shall continue. If a person designated as Class A beneficiary inherits a tract that meets the minimum requirements for

preferential assessment, and subsequently changes the use of that tract so that it does not qualify for preferential assessment, that beneficiary shall owe roll-back taxes with respect to the portion of the enrolled land he inherited, but no roll-back taxes are due with respect to any other portion of the enrolled land inherited by another beneficiary.

Example 1: Landowner A owns 100 acres of enrolled land, which is in agricultural use. Landowner A dies, and Landowners B and C each inherit a 50-acre tract, as Class A beneficiaries. The tracts owned by Landowners B and C continue in agricultural use. Preferential assessment continues.

Example 2: Same facts as Example 1, except Landowner B converts the 50-acre tract of agricultural land to industrial use. Landowner B owes roll-back taxes with respect to the 50-acre tract. Landowner A does not owe roll-back taxes. Preferential assessment continues with respect to Landowner A's tract.

§ 137a.13. Direct commercial sales of agriculturally related products and activities; rural enterprises incidental to the operational unit.

An owner of enrolled land may apply up to 2 acres of enrolled land toward direct commercial sales of agriculturally related products and activities, or toward a rural enterprise incidental to the operational unit, without subjecting the entirety of the enrolled land to roll-back taxes, if the rural enterprise does not permanently render the land incapable of producing an agricultural commodity. The tract of 2-acres-or-less shall be subject to roll-back taxes, and preferential assessment of that 2-acres-or-less tract shall end. The remainder of the enrolled land shall continue under preferential assessment as long as that remainder continues to meet the requirements for eligibility in section 2 of the act (72 P. S. § 5490.3).

§ 137a.14. Wireless or cellular telecommunications facilities.

(a) *Permitted use.* A landowner may lease a tract of enrolled land to be used for wireless or cellular telecommunications, if all of the following conditions are satisfied:

- (1) The tract so leased does not exceed 1/2 acre.
- (2) The tract does not support more than one communication tower.
- (3) The tract is accessible.
- (4) The tract is neither conveyed nor subdivided. A lease may not be considered a subdivision.

(b) *Roll-back taxes imposed with respect to leased land.* A county assessor shall assess and impose roll-back taxes upon the tract of land leased by an owner of enrolled land for wireless or cellular telecommunications purposes.

(c) *Preferential assessment ends and fair market value assessment commences with respect to leased land.* A county assessor shall assess land leased in accordance with subsection (a) based upon its fair market value.

(d) *Preferential assessment continues on unleased land.* The lease of enrolled land in accordance with subsection (a) does not invalidate the preferential assessment of the remaining enrolled land that is not so leased, and that enrolled land shall continue to receive a preferential assessment, if it continues to meet the minimum requirements for eligibility in section 2 of the act (72 P. S. § 5490.3).

(e) *Wireless services other than wireless telecommunications.* Wireless services other than wireless telecommunications may be conducted on land leased in accordance with subsection (a) if the wireless services share a tower with a wireless telecommunications provider.

(f) *Responsibility for obtaining required permits.* The wireless or cellular telecommunications provider shall be solely responsible for obtaining required permits in connection with any construction on a tract of land which it leases for telecommunications purposes under subsection (a).

(g) *Responsibility of municipality for issuing required permits.* A municipality may not deny a permit necessary for wireless or cellular communications use for any reason other than the applicant's failure to strictly comply with permit application procedures.

§ 137a.15. Option to accept or forgive roll-back taxes in certain instances.

The taxing body of the taxing district within which a tract of enrolled land is located may accept or forgive roll-back taxes with respect to that portion of the enrolled land that is granted or donated to any one of the following:

- (1) A school district.
- (2) A municipality.
- (3) A county.
- (4) A volunteer fire company.
- (5) A volunteer ambulance service.

(6) A religious organization, if the religious organization uses the land only for construction or regular use as a church, synagogue or other place of worship, including meeting facilities, parking facilities, housing facilities and other facilities which further the religious purposes of the organization.

(7) A not-for-profit corporation that qualifies as tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)(3)), if prior to accepting ownership of the land, the corporation enters into an agreement with the municipality wherein the subject land is located guaranteeing that the land will be used exclusively for recreational purposes, all of which shall be available to the general public free of charge. If the corporation changes the use of all or a portion of the land or charges admission or any other fee for the use or enjoyment of the facilities, the corporation shall immediately become liable for all roll-back taxes and accrued interest previously forgiven.

§ 137a.16. Transfer of enrolled land for use as a cemetery.

(a) *Transfers.* If an owner of enrolled land sells, donates or otherwise transfers any portion of the enrolled land to a nonprofit corporation for use as a cemetery, and at least 10 acres of the remainder of the enrolled land remain in agricultural use, agricultural reserve or forest reserve after the transfer, no violation of preferential assessment will be deemed to have occurred and roll-back taxes may not be assessed with respect to either the transferred portion of the enrolled land or the remainder of the enrolled land.

Example: A landowner owns 50 acres of enrolled land. The land is in agricultural use. The landowner sells 20 acres of the enrolled land to a nonprofit corporation for use as a cemetery. The remaining 30-acre tract continues in agricultural use. Under

these facts, no roll-back taxes are due with respect to either tract. The 30-acre tract continues to receive preferential assessment. The 20-acre tract receives an assessment based on fair market value.

(b) *Exception.* If a nonprofit corporation acquires enrolled land as described in subsection (a), and subsequently changes the use of the land to some use other than as a cemetery or transfers the land for use other than as a cemetery, the nonprofit corporation shall be required to pay roll-back taxes on that land.

Example: Same facts as the example under subsection (a), but 2 years after it acquired the 20-acre tract, the nonprofit corporation changes the use to something other than cemetery use. The nonprofit corporation owes roll-back taxes with respect to the 20-acre tract.

§ 137a.17. Transfer of enrolled land or transfer of an easement or right-of-way across enrolled land for use as a trail.

(a) *Transfers.* If an owner of enrolled land sells, donates or otherwise transfers any portion of the enrolled land, or transfers an easement or right-of-way with respect to any portion of the enrolled land, no violation of preferential assessment will be deemed to have occurred and roll-back taxes may not be assessed with respect to either the transferred portion of the enrolled land or the remainder of the enrolled land if all of the following occur:

- (1) The land is transferred to a nonprofit corporation.
- (2) The transferred land is used as a trail for nonmotorized passive recreational use. Walking, jogging, running, roller skating, in-line skating, pedacycling, horseback riding and the use of animal-drawn vehicles are examples of passive recreational use, as are all other forms of man-powered or animal-powered conveyance.
- (3) The transferred land does not exceed 20 feet in width.
- (4) The transferred land is available to the public for use without charge.
- (5) At least 10 acres of the remainder of the enrolled land remain in agricultural use, agricultural reserve or forest reserve.

Example: A landowner owns 50 acres of enrolled land. The land is in agricultural use. The landowner conveys a 20-foot-wide pathway across the land to a nonprofit corporation for use as a trail, and otherwise complies with paragraphs (1)—(5) and section 8(e) of the act (72 P. S. § 5490.8(e)). Under these facts, no roll-back taxes are due with respect to either tract. The trail receives an assessment based upon fair market value. The remainder of the landowner's 50-acre tract continues to receive a preferential assessment.

(b) *Exception.* If a nonprofit corporation acquires enrolled land or an easement or right of way with respect to enrolled land as described in subsection (a), and the use of the land is subsequently changed to a use other than the use described in subsection (a)(1)—(5) or section 8(e) of the act, the nonprofit corporation shall be required to pay roll-back taxes on that land. The land is no longer entitled to preferential assessment.

Example: A landowner owns 50 acres of enrolled land. The land is in agricultural use. The landowner conveys a 15-foot-wide pathway across the land to a nonprofit corporation for use as a trail. The convey-

ance is for a use described in subsection (a)(1)—(5) or section 8(e) of the act. The nonprofit corporation subsequently changes the use of the trail to a motorcycle trail, a snowmobile trail or some other use not allowed under subsection (a)(1)—(5) or section 8(e) of the act. Under these facts, roll-back taxes are due with respect to the 15-foot-wide tract. The nonprofit corporation shall also pay roll-back taxes on the remainder of the 50-acre tract. That remainder continues to receive a preferential assessment.

§ 137a.18. Transfer of enrolled land.

When enrolled land is transferred to a new owner, the new owner shall file an amendment to the original application for the purposes of providing the county assessor with current information and to sign the acknowledgements required under section 4(c) of the act (72 P. S. § 5490.4(c)).

§ 137a.19. Notice of change of application.

(a) *Landowner's responsibility to provide advance notice of changes.* An owner of enrolled land shall provide the county assessor of the county in which the land is located at least 30 days' advance written notice of any of the following:

- (1) A change in use of the enrolled land to some use other than agricultural use, agricultural reserve or forest reserve.
- (2) A change in ownership with respect to the enrolled land or any portion of the land.
- (3) Any type of division or conveyance of the enrolled land.

(b) *Landowner's duty to notify.* As stated in § 137a.4(b) (relating to application forms and procedures), a person applying for preferential assessment of land under the act shall acknowledge on the application form the obligation under subsection (a) on the application form.

(c) *Civil penalty for failure to provide notice.* A county board for assessment appeals may assess a civil penalty against a person who fails to provide notice required under subsection (a). This civil penalty shall be in accordance with section 5.1 of the act (72 P. S. § 5490.5b) and § 137a.23 (relating to civil penalties).

§ 137a.20. Liability for roll-back taxes.

(a) *General.* If an owner of enrolled land changes the use of the land to something other than agricultural use, agricultural reserve or forest reserve or changes the use of the enrolled land so that it otherwise fails to meet the requirements of section 2 of the act (72 P. S. § 5490.3), that landowner shall be responsible for the payment of roll-back taxes. The owner of enrolled land may not be liable for any roll-back tax triggered as a result of a change to an ineligible use by the owner of a split-off tract.

(b) *Split-off tract.* Section 6(a.1)(1)(i) of the act (72 P. S. § 5490.6(a.1)(1)(i)), provides that roll-back taxes are not due with respect to a split-off tract which meets all of the following criteria:

- (1) The tract split off does not exceed 2 acres annually, except that a maximum of the minimum residential lot size requirement annually may be split off if the property is situated in a local government unit which requires a minimum lot size of 2—3 acres.
- (2) The tract is used for agricultural use, agricultural reserve or forest reserve or for the construction of a residential dwelling to be occupied by the person to whom the land is conveyed.

(3) The total tract split off does not exceed the lesser of 10 acres or 10% of the entire tract of enrolled land.

(c) *Split-off that complies with section 6(a.1)(1)(i) of the act.* If enrolled land undergoes split-off and the tract that is split-off meets the size, use and aggregate acreage requirements in section 6(a.1)(1)(i) of the act, the landowner who conducted the split-off shall owe roll-back taxes with respect to the split-off tract. The preferential assessment of that split-off tract shall be terminated. If the remainder of the enrolled land is in agricultural use, agricultural reserve or forest reserve, and continues to meet the requirements of section 2 of the act, no roll-back taxes are due with respect to that remainder, and preferential assessment shall continue with respect to that tract.

Example: Landowner owns 50 acres of enrolled land. Landowner splits-off 2 acres for a residential dwelling, in compliance with section 6(a.1)(1)(i) of the act. The landowner owes roll-back taxes on the 2-acre tract, and the preferential assessment of that tract shall be terminated. The remaining 48-acre tract would continue to receive a preferential assessment, assuming it remains in agricultural use, agricultural reserve or forest reserve and otherwise continues to meet the requirements of section 2 of the act.

(d) *Split-off that does not comply with section 6(a.1)(1)(i) of the act.* If enrolled land undergoes split-off and the tract that is split-off does not meet the size, use and aggregate acreage requirements in section 6(a.1)(1)(i) of the act, the landowner who conducted the split-off shall owe roll-back taxes with respect to all of the enrolled land.

Example 1: Landowner owns 50 acres of enrolled land. Landowner splits-off 4 acres in a single year. This split-off would not meet the size requirements in section 6(a.1)(1)(i) of the act. The landowner owes roll-back taxes on the entire 50-acre tract. The 4-acre tract no longer receives a preferential assessment. The remaining 46-acre tract would continue to receive a preferential assessment, assuming it remains in agricultural use, agricultural reserve or forest reserve and continues to meet the requirements of section 2 of the act.

Example 2: Landowner owns 50 acres of enrolled land. Landowner splits-off 2-acre tracts in 3 different years. The aggregate amount of land split-off (6 acres) exceeds the 10% cap in section 6(c.1)(1)(i) of the act. Under these facts, the aggregate total of split-off land could not exceed 5 acres. The landowner owes roll-back taxes on the entire 50-acre tract. The three 2-acre tracts no longer receive a preferential assessment. The remaining 44-acre tract would continue to receive a preferential assessment, assuming it remains in agricultural use, agricultural reserve or forest reserve and continues to meet the requirements of section 2 of the act.

(e) *Split-off occurring through condemnation.* If any portion of a tract of enrolled land is condemned, the condemnation may not trigger liability for roll-back taxes on either the condemned portion of the enrolled land or the remainder. If the condemned portion or the remainder of the enrolled land remains in agricultural use, agricultural reserve or forest reserve, and meets the criteria in section 2 of the act, preferential assessment shall continue with respect to that condemned portion or remainder.

(f) *Change in use of separated land occurring within 7 years of separation.* If enrolled land undergoes separation, and one of the tracts created through separation is converted to other than agricultural use, agricultural reserve or forest reserve within 7 years of the date of the separation, or is converted so that it no longer meets the requirements of section 2 of the act, the owner of the ineligible tract owes roll-back taxes with respect to all of the enrolled land. The ineligible tract may no longer receive preferential assessment under the act. The remaining enrolled land shall continue to receive a preferential assessment.

Example: Landowner A owns 100 acres of enrolled land, which is in agricultural use. Landowner A sells Landowner B a 50-acre portion of this enrolled land. Both 50-acre tracts continue in agricultural use, and preferential assessment continues with respect to both tracts. Six years after the original 100-acre tract of enrolled land was separated, Landowner B converts his 50-acre tract to industrial use. Landowner B owes roll-back taxes with respect to the entire 100-acre tract. Landowner A's 50-acre tract continues to receive preferential assessment, and the preferential assessment of Landowner B's 50-acre tract ends.

(g) *Change in use of separated land occurring 7 years or more after separation.* If enrolled land undergoes separation, and one of the tracts created through separation is converted to other than agricultural use, agricultural reserve or forest reserve 7 years or more after the date of the separation, the owner of the ineligible tract owes roll-back taxes with respect to that ineligible tract, but does not owe roll-back taxes with respect to the remainder of the enrolled land. The ineligible tract may no longer receive preferential assessment under the act. The remaining enrolled land shall continue to receive a preferential assessment.

Example: Landowner A owns 100 acres of enrolled land, which is in agricultural use. Landowner A sells Landowner B a 50-acre portion of this enrolled land. Both 50-acre tracts continue in agricultural use, and preferential assessment continues with respect to both tracts. Eight years after the original 100-acre tract of enrolled land was separated, Landowner B converts his 50-acre tract to industrial use. Landowner B owes roll-back taxes with respect to the 50-acre tract which he has converted to ineligible use. Landowner A's 50-acre tract continues to receive preferential assessment, and the preferential assessment of Landowner B's 50-acre tract ends.

(h) *Calculation of roll-back taxes.* A county assessor shall calculate roll-back taxes using the following formula, which supercedes the formula in § 137.54 (relating to calculating roll-back taxes):

(1) Calculate the difference between preferential assessment and normal assessment in each of the 7 most recent tax years.

(2) With respect to each of these seven sums, multiply that sum by the corresponding factor, which reflects compounded interest at the rate of 6% per annum from that particular tax year to the present:

| Year | Factor |
|---------------|--------|
| Current | 1.00 |
| 1 Year Prior | 1.06 |
| 2 Years Prior | 1.1236 |
| 3 Years Prior | 1.1910 |
| 4 Years Prior | 1.2625 |

| Year | Factor |
|---------------|--------|
| 5 Years Prior | 1.3382 |
| 6 Years Prior | 1.4185 |

(3) Add the seven separate products obtained under Step (2). The sum equals total roll-back taxes — including interest at 6% per annum on each year's roll-back taxes.

Example: Landowner owes roll-back taxes. The county assessor calculates the difference between the preferential assessment and normal assessment in each of the 7 preceding tax years, and determines that sum to be \$2,000 in each of those 7 years.

| Year | Amount Multiplied by Factor |
|---------------|-------------------------------|
| Current | \$2,000 x 1.00 = \$2,000 |
| 1 Year Prior | \$2,000 x 1.06 = \$2,120 |
| 2 Years Prior | \$2,000 x 1.1236 = \$2,247.20 |
| 3 Years Prior | \$2,000 x 1.1910 = \$2,382 |
| 4 Years Prior | \$2,000 x 1.2625 = \$2,525 |
| 5 Years Prior | \$2,000 x 1.3382 = \$2,676.40 |
| 6 Years Prior | \$2,000 x 1.4185 = \$2,837 |

TOTAL ROLL-BACK TAXES: \$16,787.60

§ 137a.21. Duties of a county assessor.

(a) *General.* A county assessor shall perform all the duties prescribed by the act and this chapter. In addition, a county assessor shall perform the duties prescribed in Chapter 137 (relating to preferential assessment of farmland and forest land) to the extent those duties do not conflict with the act or this chapter.

(b) *Recordkeeping.* A county assessor shall indicate on property record cards, assessment rolls and any other appropriate records the fair market value, the use value, the normal assessment and the preferential assessment of all tracts of enrolled land.

(c) *Recording approved applications.* A county assessor shall record any approved application in the office of the recorder of deeds in the county where the land is preferentially assessed.

(d) *Determining total use value.* A county assessor shall determine the total use value for all enrolled land. The contributory value of farm buildings shall be used in determining the total use value.

(e) *Annual update of records.* A county assessor shall, at least on an annual basis, update property record cards, assessment rolls and any other appropriate records to reflect all changes in the fair market value, the use value, the normal assessment and the preferential assessment of all tracts of enrolled land. This requirement does not constitute a requirement that a county assessor recalculate the preferential assessment of all enrolled land each year, but instead requires the county assessor to maintain reasonably current records reflecting any changes in preferential assessment.

(f) *Notification of change in preferential assessment status.* A county assessor shall provide the owner of enrolled land and the taxing bodies of the district in which the land is situated with written notice of an approval, termination or change with respect to the preferential assessment status. This written notice shall apprise the landowner and the taxing body of the right to appeal the action in accordance with section 9 of the act (72 P. S. § 5490.9). The written notice shall be mailed within 5 days of the change of status. If the written notice terminates or changes preferential assessment status it shall set forth the reasons for the change or termination.

(g) *Notification of change in factors affecting total assessment.* A county assessor shall provide the owner of enrolled land and the taxing bodies of the district in which the land is situated with written notice of any change in the fair market value, the normal assessment, the use value or the preferential assessment. This written notice shall apprise the landowner and the taxing body of the right to appeal the action in accordance with section 9 of the act. The written notice shall be mailed within 5 days of the change.

(h) *Adjusting records to reflect split-off, separation or transfer.* A county assessor shall adjust an approved and recorded application for preferential assessment under the act to reflect a change when an owner of enrolled land changes enrollment status as a result of a split-off, separation, transfer or change of ownership. These changes may include those actions described in § 137a.7(c) or § 137a.10(e) (relating to fee of the county board for assessment appeals; and duration of preferential assessment). A county assessor may require the preparation, execution and filing of a new application for preferential assessment to accomplish such an adjustment.

(i) *Enforcement and evidence gathering.* The evidentiary burden shall be on a county assessor to produce evidence demonstrating that a split-off tract is actively being used in a manner which is inconsistent with residential use, agricultural use, agricultural reserve or forest reserve.

(j) *Assessment of roll-back taxes.* A county assessor shall calculate, assess and file claims for roll-back taxes owed under the act.

§ 137a.22. Disposition of interest on roll-back taxes.

(a) *"Eligible county" explained.* A county is an "eligible county" under the Agricultural Area Security Law (3 P. S. §§ 901—915), and for purposes of this chapter, if it has an agricultural conservation easement purchase program that has been approved by the State Agricultural Land Preservation Board in accordance with that statute.

(b) *Disposition in an eligible county.*

(1) *County treasurer.* If a county is an eligible county, the county treasurer shall make proper distribution of the interest portion of the roll-back taxes it collects to the county commissioners or the county comptroller, as the case may be. The county commissioners or comptroller shall designate all of this interest for use by the county agricultural land preservation board. This interest shall be in addition to other local money appropriated by the eligible county for the purchase of agricultural conservation easements under section 14.1(h) of the Agricultural Area Security Law (3 P. S. § 914.1(h)).

(2) *County agricultural land preservation board.* A county agricultural land preservation board that receives interest on roll-back taxes in accordance with paragraph (1) shall segregate that money in a special roll-back account. Notwithstanding any other provisions of the Agricultural Area Security Law, the eligible county board under the Agricultural Area Security Law shall, in its discretion, give priority to the purchase of agricultural conservation easements from agricultural security areas located within the municipality in which the land subject to the roll-back tax is located.

(c) *Disposition in a county that is not an eligible county.* If a county is not an eligible county, the county treasurer shall forward the interest portion of the roll-back taxes it collects to the Agricultural Conservation Easement Pur-

chase Fund. The county treasurer shall coordinate with the Department's Bureau of Farmland Protection, at the address in § 137a.24 (relating to contacting the department) to accomplish this transfer.

§ 137a.23. Civil penalties.

(a) *General.* A county board for assessment appeals may assess a civil penalty of not more than \$100 against a person for each violation of the act, this chapter or the applicable regulations in Chapter 137 (relating to preferential assessment of farmland and forest land).

(b) *Written notice of civil penalty.* A county board for assessment appeals shall assess a civil penalty against a person by providing that person written notice of the penalty. This notice shall be served by certified mail or personal service. The notice shall set forth the following:

(1) A description of the nature of the violation and of the amount of the civil penalty.

(2) A statement that the person against whom the civil penalty is being assessed may appeal the penalty by delivering written notice of the appeal to the county board for assessment appeals within 10 calendar days of receipt of the written notice of penalty.

(c) *Appeal hearing.* If timely notification of the intent to contest the civil penalty is given, the person contesting the civil penalty shall be provided with a hearing in accordance with 2 Pa.C.S. Chapter 5, Subchapter B and Chapter 7, Subchapter B (relating to local agency law).

(d) *Final civil penalty.* If, within 10 days from the receipt of the notification described in subsection (b), the person against whom the civil penalty is assessed fails to notify the county board for assessment appeals of intent to contest the assessed penalty, the civil penalty shall become final.

§ 137a.24. Contacting the Department.

For purposes of this chapter, communications to the Department shall be directed to the following address:

Pennsylvania Department of Agriculture
Bureau of Farmland Protection
2301 North Cameron Street
Harrisburg, PA 17110-9408
Telephone: (717) 783-3167
Facsimile: (717) 772-9798

[Pa.B. Doc. No. 99-965. Filed for public inspection June 18, 1999, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 38]

Procedures for State and Nationally Chartered Banking Institutions Selling Annuities or Insurance

The Insurance Department (Department) hereby deletes Chapter 38 as set forth in Annex A. The statement of policy was announced December 14, 1996 (26 Pa. B. 5992) under the authority of sections 602 and 622 of The Insurance Department Act of 1921 (40 P. S. §§ 232 and 252). The statement of policy set forth the Department's procedures for the sale of insurance and annuities by National and State banks in compliance with the preemp-

tion of State law as announced in *VALIC*, 115 S. Ct. 810 (1995) and *Barnett*, 116 S. Ct. 1103 (1996).

Purpose

The purpose of this notice is to delete Chapter 38 and to eliminate an obsolete statement of policy. The act of June 25, 1997 (P. L. 349, No. 40) (40 P. S. §§ 286—289.1) removed the restriction against financial institutions engaging in the sale of insurance and established parameters for the sales of insurance by financial institutions. Therefore, the statement of policy is no longer needed.

Affected Parties

Financial institutions doing the business of insurance and annuities in this Commonwealth will be effected.

Fiscal Impact

The deletion of the statement of policy has no fiscal impact.

Paperwork

The deletion of the statement of policy has no impact on paperwork.

Effectiveness/Sunset Date

The deletion of the statement of policy will become effective upon final publication in the *Pennsylvania Bulletin*. No sunset date has been assigned because the Department is deleting an obsolete statement of policy.

Contact Person

The person to contact for information on the deletion of this statement of policy is Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

Questions or comments regarding this deletion may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

Findings

The Commissioner finds that:

(1) Public notice of intention to delete this statement of policy by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 38, are amended by deleting §§ 38.1, 38.11, 38.21, 38.31—38.33 and 38.51—38.65 to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The statement of policy deleted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

Fiscal Note: 11-169. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart C. AGENTS AND BROKERS

CHAPTER 38. (Reserved)

[Pa.B. Doc. No. 99-966. Filed for public inspection June 18, 1999, 9:00 a.m.]

NOTICES

COMMISSION ON CRIME AND DELINQUENCY

Drug Control and System Improvement Strategy

The Commission on Crime and Delinquency (PCCD) submitted an FFY-1999 State application for \$20.525 million provided through the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. It is this program which totally supports Pennsylvania's Drug Control and System Improvement (DCSI) Program.

The application, entitled "Pennsylvania's Multi-Year Statewide Drug Control and System Improvement Strategy Update," dated March 1999, identifies the priority program areas that PCCD has designated and the allocation of FFY-1999 DCSI funds anticipated to be available to support these initiatives.

Persons desiring to review and comment on the strategy may submit their requests to the following address: Commission on Crime and Delinquency, Attention: Drug Control and System Improvement Program, P. O. Box 1167, Harrisburg, PA 17108-1167.

JAMES THOMAS,
Executive Director

[Pa.B. Doc. No. 99-967. Filed for public inspection June 18, 1999, 9:00 a.m.]

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference and public hearing on Wednesday, June 23, 1999. The hearing will be part of the Commission's regular business meeting. Both the conference and business meeting are open to the public and will be held at the Shawnee Inn, One River Road, Shawnee-on-Delaware, PA.

The conference among the Commissioners and staff will begin at 9 a.m. in the Payett Room and will include a status report on the *Flowing Toward the Future* workshops and discussions of the Flow Management Technical Advisory Committee's flow needs Basinwide reconnaissance proposal and coordinated drought response.

In addition to the subjects summarized as follows which are scheduled for public hearing at the 10:30 a.m. business meeting in the Pearsall-Patterson Room, the Commission will also address the following: Minutes of the April 28, 1999 business meeting; announcements; report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; and public dialogue. The Commission will also consider resolutions to: amend the Ground Water Protected Area Regulations for Southeastern Pennsylvania; advertise a Basinwide flow needs reconnaissance request for proposal; amend the Commission's Administrative Manual: By-laws, Management and Personnel to establish flex time schedules for Commission staff; contract for design and construction

of a barrier-free restroom; authorize an agreement with USEPA concerning its Energy Star building partnership; and elect Commission offices of Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 1999.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects under Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Riverton Country Club D-85-10 Renewal* 2. An application for the renewal of a groundwater withdrawal project to supply up to 6 million gallons (mg)/30 days of water to the applicant's golf course irrigation system from Well Nos. 1A and 2. Commission approval on April 26, 1989, was extended to 10 years. The applicant requests that the total withdrawal from all wells remain limited to 6 mg/30 days. The project is located in Cinnaminson Township, Burlington County, NJ.

2. *Green Waltz Water Company D-98-55 CP*. An application for approval of a groundwater withdrawal project to supply up to 11.7 mg/30 days of water for bulk water hauling to bottling plants from the redevelopment of existing Well No. 1. The project is located in Washington Township, Northampton County, PA.

3. *Dan Schantz Farm & Greenhouses D-99-14*. An application for approval of a groundwater withdrawal project to supply up to 3.45 mg/30 days of water to the applicant's nursery from Well Nos. PW-1, PW-3, PW-4, PW-5, PW-6, PW-7 and PW-8, and to limit the withdrawal from all wells to 3.45 mg/30 days. The project is located in Lower Milford Township, Lehigh County in the South-eastern Pennsylvania Ground Water Protected Area.

4. *Harmony Sand & Gravel, Inc. D-99-16*. An application for approval of a groundwater withdrawal project to supply up to 6.5 mg/30 days of water to the applicant's sand and gravel washing operation from Well No. 1, and to limit the withdrawal from all wells to 6.5 mg/30 days. The project is located in White Township, Warren County, NJ.

5. *Borough of Bernville D-99-18 CP*. An application to upgrade and expand the applicant's 0.14 million gallons per day (mgd) contact stabilization sewage treatment plant (STP) to a 0.285 mgd high quality secondary treatment plant by the sequencing batch reactor process. The STP will continue to serve only the Borough of Bernville located in Berks County, PA. Treated effluent will continue to discharge to Northkill Creek approximately 0.2 mile above its confluence with Tulpehocken Creek.

6. *Penn Estates Utilities, Inc. D-99-20*. An application to upgrade and expand the applicant's 0.15 mgd extended aeration STP to 0.56 mgd to provide advanced secondary treatment for service of growth of the applicant's residential development in Stroud Township, Monroe County, PA. Treated effluent will continue to discharge to an unnamed tributary (known locally as Cranberry Creek) of Brodhead Creek.

7. *Maiden Creek Associates (James Saunders) D-99-25*. An application to construct a new 0.06 mgd tertiary level STP to serve West Penn Pines Mobile Home Park. The STP will be located just south of State Route 895, approximately 2.5 miles west of its intersection with State Route 309, in West Penn Township, Schuylkill

County, PA. The proposed STP effluent will discharge to Lizard Creek, a tributary of the Lehigh River.

8. *Pasteur Merieux Connaught Laboratories, Inc. D-99-27.* A project to expand by rerating the applicant's existing 0.15 mgd industrial wastewater treatment plant (IWTP) to 0.2 mgd to continue to serve its vaccine production facility located in Pocono Township, Monroe County, PA. The treated effluent will continue to discharge to Swiftwater Creek by the existing outfall.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500, Ext. 221 concerning docket-related questions. Persons wishing to testify at this

hearing are requested to register with the Secretary at (609) 883-9500, Ext. 203 prior to the hearing.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact the Secretary at (609) 883-9500, Ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 99-968. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 8, 1999.

BANKING INSTITUTIONS

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-7-99 | First Cornerstone Bank King of Prussia Montgomery County <i>Correspondent:</i> Cornelius VanGalen, Esq. P.O. Box 1097 North Wales, PA 19454 | 1004 West Ninth Ave. King of Prussia Montgomery County | Filed |

Conversions

| <i>Date</i> | <i>Name of Institution</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-1-99 | Metropolitan Savings and Loan Association of Pittsburgh Pittsburgh Allegheny County <i>To</i> Metropolitan Savings Bank Pittsburgh Allegheny County Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank. | Pittsburgh | Approved |

Interstate Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 6-7-99 | U.S. Trust Company of Connecticut Greenwich Connecticut | 100 West Lancaster Ave. Wayne Delaware County Pennsylvania | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 6-2-99 | Main Street Bank Reading Berks County | 555 Penn Avenue West Reading Berks County | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 6-4-99 | Northwest Savings Bank Warren Warren County | Dutchway Shopping Mall Route 501 North Schaefferstown Heidelberg Township Lebanon County | Filed |
| 6-4-99 | Parkvale Savings Bank Monroeville Allegheny County | 3801 Washington Road McMurray Peters Township Washington County | Filed |
| 6-7-99 | Great Valley Savings Bank Reading Berks County | The Highlands at Wyomissing 2000 Cambridge Ave. Wyomissing Berks County | Approved |
| 6-7-99 | Harris Savings Bank Harrisburg Dauphin County | 1515 DeKalb Pike Blue Bell Whitpain Township Montgomery County | Approved |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-7-99 | C & G Savings Bank Altoona Blair County | <i>To:</i> 3301 Pleasant Valley Boulevard Altoona Blair County <i>From:</i> 3331 Pleasant Valley Boulevard Altoona Blair County | Filed |

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-2-99 | Atlantic Employees Federal Credit Union, Newtown Square, and National Group Employees Credit Union, Frazer Surviving Institution— Atlantic Employees Federal Credit Union, Newtown Square | Newtown Square | Approved |

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-969. Filed for public inspection June 18, 1999, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 1999

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July, 1999, is 8 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which

overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.04 to which was added 2.50

percentage points for a total of 8.54 that by law is rounded off to the nearest quarter at 8 1/2%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-970. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of an Engineering Firm

Project Reference No. FDC-500-632

The Department of Conservation and Natural Resources (Department) will retain an engineering firm for the development and preparation of emergency action plans for 46 high hazard dams owned and operated by the Bureau of State Parks and the Bureau of Forestry. The contract will be for a 24-month period with three 12-month extensions possible.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The Commonwealth of Pennsylvania through the Department owns, operates and maintains each of the dams as listed. As mandated under the provisions of the Pennsylvania Dam Safety and Encroachments Act (Act 325 and Act 70), emergency warning and action plans must be prepared for each of these dams. The *Pennsylvania Code*, Title 25, Chapter 105, Dam Safety and Waterways Management, §§ 105.63 and 105.134 details the conditions and requirements of emergency procedures, emergency warning systems and their operation plans which are administered jointly through the Department of Environmental Protection (DEP), Bureau of Waterways Engineering, and the Pennsylvania Emergency Management Agency (PEMA).

The services to be provided under this contract shall include a field review of each dam, review of design plans and operational procedures, field review of downstream conditions, hydrologic and hydraulic studies, a sudden dam failure downstream flood analysis, and downstream inundation mapping. Emergency action plans shall be prepared in accordance with "*Guidelines for Developing an Emergency Action Plan for High Hazard Dams*" dated January 1996, as published by the DEP and PEMA.

A summary of the principal features of work required in the development of an emergency action plan includes the following:

1. Attend an initial meeting with personnel from DEP and the Department to discuss specific issues and procedures for the development of the emergency action plans.
2. Research and review existing emergency action plans, design plans and Phase I reports to become

familiar with each dam. Review existing flood-related data at each dam and downstream hazard areas including hydrologic and hydraulic design calculations, published Flood Insurance Studies, and other hydraulic information which may be available.

3. Field reconnaissance of each dam and downstream areas to assess hazard potential and evaluate routing reaches. Where appropriate, perform limited surveys to determine relative depths to first floor levels or to obtain geometric data at constrictions which may impact the analysis.

4. Verify the probable maximum flood (PMF) to be utilized in the dam breach analysis and compile hydrologic data through the dam failure impact area. Determine the degree to which runoff from uncontrolled downstream areas influences limits of hazard area identification.

5. Compile and execute analytic hydrologic/hydraulic models capable of simulating a dam failure and perform routings of resulting breach flood wave. Analyze the non-storm event failure condition and a range of storm event conditions assuming failure and non-failure of each dam. Following is a list of computer programs which are acceptable in performing the dam breach analysis:

- A. NWS-DAMBRK, National Weather Service Dam—Break Flood Forecasting Model, 1988.

- B. UNET, One-Dimensional Unsteady Flow Model for Open Channel Flow Networks, Hydrologic Engineering Center, U.S. Army Corps of Engineers, 1995.

- C. Flood Hydrograph Package, HEC-1, U.S. Army Corps of Engineers, supplemented where appropriate with COE HEC-2 or RAS Hydraulic Modeling Through Downstream Constrictions.

- D. Technical Release No. 66, Soil Conservation Service.

Upon completion of the dam break analysis, prepare a summary dam breach analysis report for each dam identifying the purpose of the analysis, source of data, analytic methods, pertinent special conditions, assumptions and computed results of each analysis. Submit each summary report to the Department. A copy of the summary dam breach analysis report will be submitted to the DEP, Bureau of Waterways Engineering, Division of Dam Safety for review, comments and approval prior to completion of the inundation mapping and the final emergency action plan.

6. After approval of the dam break analysis by the Division of Dam Safety, evaluate the results of the flood routing and prepare flood inundation mapping of hazard areas downstream of each dam. The degree of sophistication, level of detail and effort expended for any particular dam break analysis shall be commensurate with the extent of potential hazards associated with the dam. The mapping shall identify the maximum area impacted by the sudden failure of the dam. The inundation maps shall depict one hazard zone. The mapped hazard zone shall be terminated when flood stages for the PMF failure condition converge to the non-failure PMF conditions, but must extend downstream until the non-storm event breach flood wave as determined to be non-damaging.

7. Submit copies of the emergency action plan, which includes dam breach analysis report, downstream inundation mapping, surveillance procedures, emergency response contacts and operations, and all other required

information to the appropriate agencies for review, comments and approval.

Each engineering firm will be evaluated upon, but not limited to, the following criteria:

1. Professional qualifications, experience and technical competence of hydrologists and hydraulic engineers proposed to perform the assignment. Evaluation will consider relevant past experience, education, training, registration and longevity with the firm.

2. Record of satisfactory performance by the firm on similar assignments. This record shall establish the ability to properly manage the project in terms of costs,

quality control and performance schedules. Names and telephone numbers of references shall be included.

3. Specialized experience and demonstrated use of the acceptable computer programs utilized in performing the dam break analysis within the past 2 years with specific application to dams in this Commonwealth.

4. The engineering firm shall have previously prepared and had approved emergency action plans by the DEP, Bureau of Waterways Engineering, Division of Dam Safety.

Following is a list of high hazard dams which will require emergency action plans under this contract:

| <i>Dam No.</i> | <i>Dam Name</i> | <i>County</i> | <i>Class</i> | <i>DCNR Permittee</i> |
|----------------|-------------------------------|---------------|--------------|-----------------------|
| 04-031 | Group Camp | Beaver | C-2 | Bureau of State Parks |
| 04-034 | Raccoon Creek | Beaver | B-1 | Bureau of State Parks |
| 05-070 | Shawnee Lake | Bedford | B-1 | Bureau of State Parks |
| 06-401 | Hopewell | Berks | C-1 | Bureau of State Parks |
| 06-435 | Scott's Run | Berks | C-1 | Bureau of State Parks |
| 07-084 | Canoe Creek | Blair | B-1 | Bureau of State Parks |
| 08-059 | Stephen Foster | Bradford | B-1 | Bureau of State Parks |
| 09-166 | Nockamixon | Bucks | A-1 | Bureau of State Parks |
| 10-068 | Moraine State Park | Butler | A-1 | Bureau of State Parks |
| 11-101 | Glendale | Cambria | B-1 | Bureau of State Parks |
| 11-104 | Sandy Run | Cambria | C-1 | Bureau of State Parks |
| 12-011 | George B. Stevenson | Cameron | A-1 | Bureau of State Parks |
| 13-090 | Sand Spring Run | Carbon | C-2 | Bureau of State Parks |
| 14-089 | Kephart | Centre | B-2 | Bureau of State Parks |
| 14-105 | Poe | Centre | C-1 | Bureau of State Parks |
| 14-117 | Penn Nursery | Centre | C-1 | Bureau of Forestry |
| 15-296 | Marsh Creek Reservoir | Chester | B-1 | Bureau of State Parks |
| 17-087 | Parker | Clearfield | C-2 | Bureau of State Parks |
| 17-114 | Shaggers Inn Waterfowl Dam | Clearfield | C-2 | Bureau of Forestry |
| 20-007 | Pymatuning | Crawford | A-1 | Bureau of State Parks |
| 21-025 | Laurel Lake | Cumberland | C-1 | Bureau of State Parks |
| 29-028 | Cowans Gap | Fulton | B-1 | Bureau of State Parks |
| 30-020 | Ryerson Station | Greene | B-1 | Bureau of State Parks |
| 32-074 | Yellow Creek | Indiana | B-1 | Bureau of State Parks |
| 32-082 | Seph Mack | Indiana | C-2 | Bureau of State Parks |
| 35-139 | Lackawanna | Lackawanna | B-1 | Bureau of State Parks |
| 38-080 | Memorial Lake | Lebanon | B-2 | Bureau of State Parks |
| 40-016 | Lake Jean | Luzerne | B-1 | Bureau of State Parks |
| 40-174 | Unnamed | Luzerne | C-3 | Bureau of State Parks |
| 40-218 | Frances Slocum | Luzerne | B-1 | Bureau of State Parks |
| 41-091 | Little Pine Creek | Lycoming | A-1 | Bureau of State Parks |
| 43-053 | Lake Wilhelm | Mercer | A-1 | Bureau of State Parks |
| 45-036 | Tobyhanna No. 2 | Monroe | B-1 | Bureau of State Parks |
| 50-060 | Little Buffalo Creek | Perry | B-1 | Bureau of State Parks |
| 52-012 | Promised Land | Pike | B-2 | Bureau of State Parks |
| 52-015 | Pecks Pond | Pike | B-1 | Bureau of Forestry |
| 52-144 | Lower Lake | Pike | B-2 | Bureau of State Parks |
| 53-049 | Lyman Run | Potter | B-1 | Bureau of State Parks |
| 54-164 | Locust Lake | Schuylkill | B-1 | Bureau of State Parks |
| 54-170 | Locust Creek Dam | Schuylkill | B-1 | Bureau of State Parks |
| 56-061 | Kooser Run | Somerset | C-1 | Bureau of State Parks |
| 56-066 | Laurel Hill Lake | Somerset | B-1 | Bureau of State Parks |
| 59-058 | Hills Creek | Tioga | B-1 | Bureau of State Parks |
| 62-026 | Chapman | Warren | B-1 | Bureau of State Parks |
| 65-044 | Keystone | Westmoreland | B-1 | Bureau of State Parks |
| 67-486 | Pinchot Lake | York | B-2 | Bureau of State Parks |

The services shall include, but not be limited to, a preliminary meeting for this project with the Bureau of Facility Design and Construction, located on the 8th

Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The contract shall be based on the hours of service and qualifying expenses not exceeding

the contract amount. Work may be done on an hourly basis or a maximum cost work order for each individual dam.

Commitment to Enhance Socially/Economically Restricted Businesses (SERB)

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by SERBs.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as a selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD), Department of General Services, will evaluate the aforementioned criteria and will assign a point value to be considered within the overall RFP total point tabulation.

Proposers not considered to be socially/economically restricted businesses seeking to identify the businesses for joint venture and subcontracting opportunities are encouraged to contact: Department of General Services, Office of Minority and Women Business Enterprise, Room 502, North Office Building, Harrisburg, PA 17125 (717) 787-7380.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are businesses whose economic growth and development has been restricted based on social and economic bias. The businesses are BCABD certified minority- and women-owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarter facility is physically located in an area designated by the Commonwealth as being in an enterprise zone. Businesses will not be considered socially/economically restricted if one of the conditions listed exists:

1. The business has gross revenues exceeding \$4,000,000 annually, or
2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB (Minority Business Enterprise (MBE) Women Business Enterprise (WBE)) or businesses within designated enterprise zones.

Proposers not considered to be socially/economically restricted businesses seeking to identify the businesses for joint venture and subcontracting opportunities are encouraged to contact the

Department of General Services
Bureau of Contract Administration and
Business Development
Room 502, North Office Building
Harrisburg, PA 17125
Telephone: (717) 787-7380
Fax: (717) 787-7052
www.dgs.state.pa.us

SERB Information

SERBs are encouraged to participate as prime proposers. SERBs qualifying as an MBE/WBE must provide their BCABD certification number. SERBs qualifying as a result of being located in a designated enterprise zone must provide proof of this status.

Proposers not considered to be SERBs must describe, in narrative form, their company's approach to enhance SERB utilization on a professional level in the implementation of this proposal.

The following options will be considered as part of the final criteria for selection:

- Priority Rank 1—Proposals submitted by SERBs.
- Priority Rank 2—Proposals submitted from a joint venture with a Commonwealth-approved SERB as a joint venture partner.
- Priority Rank 3—Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERB. The optional approach used will be evaluated with Option Number 1 receiving the greatest value and the succeeding options receiving a value in accordance with the above-listed priority ranking.

The percent designated for SERB Commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal. The selected contractor's SERB Commitment amount will be included as a contractual obligation when a contract is entered into. One copy of the SERB information shall be submitted in a separate sealed envelope, clearly marked. The information will be evaluated by the Department of General Services.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to: Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P.O. Box 8451, Harrisburg, PA 17105-8451. Additional information concerning the services described in this notice may be obtained by contacting: Edward E. Raptosh, Senior Civil Engineer Hydraulic, Bureau of Facility Design and Construction at (717) 783-3329.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project being proposed. The description shall include the client, contact person and telephone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project.

A standard new 1999 DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Forms may be obtained by calling (717) 787-4892, or by visiting the DGS website at www.dgs.state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

General Requirements

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepia, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

- Criteria evaluated by the Technical Review will include:
 - A. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
 - B. Qualifications of firm.

- C. Professional personnel in firm.
 - D. Soundness of approach as demonstrated in Letter of Interest.
 - E. Available manpower to perform the services required.
 - F. SERB participation (evaluated by DGS).
 - G. Equitable distribution of the contracts.
- Each proposer shall relate their proposal to the above criteria.

Six copies of the Letter of Interest and the required forms and also one copy of the SERB information must be received no later than 4 p.m. on July 30, 1999. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips.

The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 99-971. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid service or other accommodations to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

PA 0056243. Sewage, **Larry Allen**, 2232 East Deerfield Drive, Media, PA 19063.

This application is for issuance of an NPDES permit to discharge treated sewage from Allen's SRSTP in Upper Providence Township, **Delaware County**. This is an existing discharge to an unnamed tributary to Crum Creek through Geist Reservoir.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|--|---|
| CBOD ₅ | | |
| (5-1 to 10-31) | 10 | 20 |
| (11-1 to 4-30) | 20 | 40 |
| Suspended Solids | 10 | 20 |
| Ammonia (as N) | | |
| (5-1 to 10-31) | 3.0 | 6.0 |
| (11-1 to 4-30) | 9.0 | 18.0 |
| Total Residual Chlorine | monitor/report | monitor/report |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| Dissolved Oxygen | minimum of 3.0 mg/l at all times | |
| pH | within limits of 6.0—9.0 standard units at all times | |

Other Conditions:

The EPA waiver is in effect.

PA 0056219. Sewage, **Phillip H. Cholet**, P. O. Box 137, Creamery, PA 19430.

This application is for renewal of an NPDES permit to discharge treated sewage from Cholet SRSTP in Skippack Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Skippack Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|--|---|
| CBOD ₅ | | |
| (5-1 to 10-31) | 10 | 20 |
| (11-1 to 4-30) | 20 | 40 |
| Suspended Solids | 10 | 20 |
| Ammonia (as N) | | |
| (5-1 to 10-31) | 3.0 | 6.0 |
| (11-1 to 4-30) | 9.0 | 18.0 |
| Total Residual Chlorine | | monitor/report |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| pH | within limits of 6.0—9.0 standard units at all times | |

Other Conditions:

The EPA waiver is in effect.

Effective disinfection.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0061590. Sewerage, **Eagle Rock Community Association**, 1031 Valley of Lakes, Hazleton, PA 18201.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Tomhicken Creek in North Union Township, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Supply on Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .980 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---|
| CBOD ₅ | 25 | 50 |
| Total Suspended Solids | 30 | 60 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 5.5 | 11 |
| (11-1 to 4-30) | 16.5 | 25 |
| Dissolved Oxygen | a minimum of 5 mg/l at all times | |
| Fecal Coliform | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | |

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-------------------------------------|---|
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine (1st month—36th month) (37th month—expiration) | monitor and report .35 | monitor and report .82 |
| The EPA waiver is in effect. | | |

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0008761. Industrial waste, SIC: 3296, **Armstrong World Industries (Marietta Ceiling Plant)**, 1507 River Road, P. O. Box 169, Marietta, PA 17547-9403.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in East Donegal Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.287 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---------------------------------|---|
| CBOD ₅ | 80 | 160 | 200 |
| Total Suspended Solids | 80 | 160 | 200 |
| Oil and Grease | 15 | | 30 |
| Formaldehyde | | monitor | |
| Antimony | | monitor | |
| pH | | 6.0—9.0 s.u. | |

The proposed effluent limits for Outfalls 002 through 008 for stormwater are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------|-----------------------------------|---------------------------------|---|
| CBOD ₅ | | monitor | |
| COD | | monitor | |
| Oil and Grease | | monitor | |
| pH | | monitor | |
| Water Priority Chemicals | | monitor | |
| Total Suspended Solids | | monitor | |
| Total Phosphorus | | monitor | |
| Total Kjeldahl | | monitor | |
| Dissolved Iron | | monitor | |

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0004073. Industrial waste, SIC: 3312, **USS, a Division of USX Corporation**, 600 Grant Street, Pittsburgh, PA 15219.

This application is for renewal of an NPDES permit to discharge treated process water and sewage, noncontact cooling water and stormwater from their Irvin Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Western Pennsylvania Water Company—Pittsburgh District, located at 410 Cooke Lane, Pittsburgh, PA 15234, 4.4 miles below the discharge point.

Outfall 001: average flow of 28.3 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | <i>Instantaneous Maximum</i> |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | |
| Temperature (°F) | | | | 110 | |
| Oil and Grease | | | 15 | | 30 |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Monitoring Point 101: an internal sewer monitoring point with a design flow of 0.2 mgd discharging to Outfall 001.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | | | 25 | | 50 |
| Suspended Solids | | | 30 | | 60 |
| Total Residual Chlorine (Effective date to 1 year af- ter effective date) | | | monitor and report | | monitor and report |
| (1 year after effective date to expiration date) | | | 1.4 | | 3.3 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric average | | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Monitor Point 201: an internal industrial waste monitoring point with an average flow of 2.06 mgd discharging to Outfall 001. *Interim Limits* (issuance to 3 years after issued date)

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---------------------|---|------------------|----------------------|--------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Suspended Solids | 953 | 2,265 | monitor and report | monitor and report | |
| Oil and Grease | 331 | 970 | monitor and report | monitor and report | |
| Lead | 3.86 | 11.5 | monitor and report | monitor and report | |
| Zinc | 4.8 | 14.2 | monitor and report | monitor and report | |
| Naphthalene | | 0.37 | monitor and report | monitor and report | |
| Tetrachloroethylene | | 0.55 | monitor and report | monitor and report | |
| Total Iron | | | monitor and report | monitor and report | |
| pH | not less than 6.0 and not greater than 10.0 | | | | |

Monitoring Point 201: an internal industrial waste monitoring point with an average flow of 2.06 mgd discharging to Outfall 001. *Final Limits* (after 3 years of permit issuance to expiration date)

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---------------------|---|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Suspended Solids | 953 | 2,265 | 55 | 132 | 165 |
| Oil and Grease | 331 | 970 | 15 | | 30 |
| Lead | 3.86 | 11.5 | 0.22 | 0.67 | 0.84 |
| Zinc | 4.8 | 14.2 | 0.28 | 0.83 | 1.04 |
| Naphthalene | | 0.37 | | 0.022 | 0.028 |
| Tetrachloroethylene | | 0.55 | | 0.032 | 0.04 |
| Iron (T) | | | 3.5 | 7.0 | 8.75 |
| pH | not less than 6.0 and not greater than 10.0 | | | | |

*IMAX limits added for compliance purposes only except for Oil and Grease.

Monitoring Point 301: an internal industrial waste monitoring point with an average flow of 0.48 mgd discharging to Outfall 001.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Suspended Solids | 3,032 | 8,091 | 15 | 40 | 50 |
| Oil and Grease | | 2,028 | 15 | | 30 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Monitoring Point 401: average flow of 0.0288 mgd

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Suspended Solids | | | 31 | 60 | 75 |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Oil and Grease | | | 15 | | 30 |
| Nickel | | | 2.38 | 3.98 | 5.0 |
| pH | monitor and report lowest value and not greater than 9.0 | | | | |

*IMAX limits added for compliance purposes only except for Oil and Grease.

Outfall 002: Intake water pumphouse (screen backwash) average flow of 0.002 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| The backwash water from the intake pumphouse shall not include any materials (solids and other debris) removed in the backwash operation. | | | | | |

Outfall 003*: Existing discharge to the Monongahela River with an average flow of 0.216 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Temperature (°F) | | | | 110 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

*Part C.9 includes special condition to eliminate discharge (by 2001) of all process water in the emergency overflows.

Outfalls 004 (SW-02) and 005 (SW-01):

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| These discharges shall consist of stormwater runoff only. | | | | | |

The EPA waiver is not in effect.

Note: For Flow "Monitor and Report" requirements are imposed at Outfalls No. 001, 101, 201, 301, 401 and 003.

PA 0110990. Industrial waste, SIC, **Central City Water Authority**, 241 Sunshine Avenue, Central City, PA 15926.

This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Central City Water Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to a wetland feeding an unnamed tributary to Dark Shade Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Saltsburg Municipal Waterworks, located in Saltsburg, PA.

Outfall 001: existing discharge, design flow of 0.02 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Suspended Solids | | | 30.0 | | 60.0 |
| Iron | | | 2.0 | | 4.0 |
| Aluminum | | | 4.0 | | 8.0 |
| Manganese | | | 1.0 | | 2.0 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 002: Existing stormwater discharge.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--------------------|------------------|----------------------|--------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Residual Chlorine | | | | monitor and report | |
| Aluminum | | | | monitor and report | |
| Iron | | | | monitor and report | |
| Manganese | | | | monitor and report | |
| pH | monitor and report | | | | |

The EPA waiver is in effect.

PA 0041378. Sewage, **W. C. McQuaide, Inc.**, 153 MacRidge Avenue, Johnstown, PA 15904.

This application is for renewal of an NPDES permit to discharge treated sewage from the Star Manufacturing Sewage Treatment Plant in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Two Lick Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Penelec Homer City Station.

Outfall 001: existing discharge, design flow of 0.005 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | monitor and report | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

Other Conditions:

The EPA waiver is in effect.

Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

PA 0040380. Sewage, **Pine Hills Mobile Home Park**, 3551 Ellwood Road, New Castle, PA 16101.

This application is for renewal of an NPDES permit to discharge treated sewage to the Dry/Intermittent Tributary to Hell Run in Shenango Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Camp Allegheny—Salvation Army intake on Slippery Rock Creek located in Wayne Township, Lawrence County, approximately 7 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.0125 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| | | |
| CBOD ₅ | 25 | 50 |
| TSS | 30 | 60 |
| Ammonia-Nitrogen | | |
| (5-1 to 10-31) | 3 | 6 |
| (11-1 to 4-30) | 9 | 18 |
| Fecal Coliform | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | |
| Total Residual Chlorine | 1.5 | 3.5 |
| Dissolved Oxygen | minimum of 3 mg/l at all times | |
| pH | 6.0—9.0 at all times | |

The EPA waiver is in effect.

PA 0222780. Sewage, **Scott W. Zimmerman SFTF**, R. R. 1, Box 83A, Wicox, PA 15870.

This application is for a new NPDES permit, to discharge treated waste to Unnamed East Branch Clarion River in Jones Township, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA American Water Company on the Clarion River located at Clarion, approximately 34 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0008 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------|-----------------------------------|---|
| | | |
| CBOD ₅ | 10 | 20 |
| TSS | 20 | 40 |
| Fecal Coliform | | |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------------|-----------------------------------|---|
| (5-1 to 9-30) | 200/100 ml as a geometric average | |
| Ammonia-Nitrogen (5-1 to 10-31) | 15 | 30 |
| Total Residual Chlorine | 1.4 | 3.3 |
| Dissolved Oxygen | minimum of 3 mg/l at all times | |
| pH | 6.0—9.0 at all times | |

The EPA waiver is in effect.

PA 0104043. Sewage, SIC: 3. **Grandview Acres Mobile Home Park**, 3104 Hadley Road, Hadley, PA 16130.

This application is for renewal of an NPDES permit, to discharge treated sewage to an unnamed tributary to the Little Shenango River in Perry Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stock fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Municipal Authority of the Borough of Greenville on the Little Shenango River located at Greenville, approximately 12.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 (after the chlorination tank), based on a design flow of 0.0078 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------------|-------------------------------------|---|
| Flow | XX | |
| CBOD ₅ | 25 | 50 |
| TSS | 30 | 60 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric average | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | |
| Total Residual Chlorine | 1.4 | 3.3 |
| pH | 6.0—9.0 at all times | |

The EPA waiver is in effect.

XX—Monitor and report on monthly DMRs.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin*, at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

| <i>NPDES No.</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|----------------------|---|------------------------------------|-----------------------------|------------------------------------|
| PA-0060968 | Aldick Associates d/b/a Swatara Village 101 Swatara Drive Pine Grove, PA 17963-9774 | Schuylkill Pine Grove Twp. | Swatara Creek | Total Residual Chlorine |

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each protester will be notified in writing of the time and place of a scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

A. 5499403. Greater Pottsville Area Sewer Authority, P. O. Box 1163, Pottsville, PA 17901. Application to construct gravity sewer line and gravity collector line, located in Port Carbon, Palo Alto and Mechanicsville Boroughs, **Schuylkill County**. Application received in the Regional Office—May 28, 1999.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

WQM Permit No. 0999415. Sewerage. **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929. This project is for the construction and operation of an interim pumps station for the proposed Heritage Creek residential development located in Warwick Township, **Bucks County**.

WQM Permit No. 0999412. Sewerage. **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055. This project is for modifications to the existing flow equalization basin also to install

two flow diversion chambers butterfly valves located in Bristol Township, **Bucks County**.

WQM Permit No. 1569432, Amendment No. 3. Sewerage. **BHC Ventures, Inc. and Shangri-La Sewer Company**, 909 Delaware Avenue, Wilmington, DE 19899. This project is for the modification of an existing wastewater treatment facility to accommodate an increase in permitted system capacity from 87,000 gpd to 104,000 gpd located in New Garden Township, **Chester County**.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

A. 6799403. Sewage, submitted by **Northeastern York County Sewer Authority**, P. O. Box 516, 175 Chestnut Street, Mt. Wolf, PA 17347, East Manchester Township, Manchester Borough and Mt. Wolf Borough, **York County** to replace approximately 6,200 feet of existing sewer line was received in the Southcentral Region on May 10, 1999.

A. 2299201. Industrial waste, submitted by **Moyer Packing Company**, P. O. Box 395, Souderton, PA 18964-0395, Washington Township, **Dauphin County** to improve existing industrial wastewater treatment plant and to direct discharge into the Wiconisco Creek was received in the Southcentral Region on May 19, 1999.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

WQM Permit No. 1899401. Sewerage. **Bald Eagle Township Authority**, R. D. 2, Box 97B, Mill Hall, PA 17751, submitted an application on June 3, 1999, for Fairpoint Meadows Pump Station. The project consists of constructing a sewage grinder pump station to serve an 80 lot subdivision referred to as the Fairpoint Meadows Subdivision. The station will also contain an emergency generator for back-up operation. The construction of the station is being funded by a private developer and then will be given over to the township for annual operation and maintenance.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 0299202. Industrial waste. **Ashland, Inc.**, P. O. Box 2219, Columbus, OH 43216-2219. Application for the construction and operation of a clarifier sump pH control to serve the Ashland Specialty Chemicals Co.—Neville Island Plant located in Neville Township, **Allegheny County**.

A. 3099401. Sewerage. **Carmichaels—Cumberland Joint Sewer Authority**, P. O. Box 304, Carmichaels, PA 15320-0304. Application for construction and operation of a sewer extension and pump station to serve the Paisley Industrial Park located in Cumberland Township, **Green County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible

funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 6599406. Sewerage. **Rostraver Township Sewage Authority**, 202 Port Royal Road, Rostraver, PA 15012. Application for the construction and operation of the Collinsburg Sewers and Pump Station and the Fellsburg Pump Station located in Rostraver Township, **Westmoreland County**. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding sources. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 4299201. Industrial waste. **Witco Corporation, ARG Refinery**, One American Lane, Greenwich, CT 06831. This project is for remediation of impacted groundwater at the former Witco Corporation refinery located in the City of Bradford, **McKean County**.

WQM Permit No. 2599409. Sewage. **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426-0088. This project is for the construction of sanitary sewer service and facilities for a portion of the township including the PA 832/I-90 interchange, the Village of Sterrettania and portions of West Road in McKean Township, **Erie County**.

WQM Permit No. 4399411. Sewage. **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This project is to replace the existing aeration system with a fine bubble diffused aeration system in the City of Hermitage, **Mercer County**.

WQM Permit No. 2597405—Amendment No. 1. Sewage. **Edinboro Conference Campgrounds**, 12940 Fry Road, Edinboro, PA 16412. This project is for the installation of an intermittent sand filter to replace a malfunctioning system in Washington Township, **Erie County**.

WQM Permit No. 1099408. Sewage, **Robert M. Petrick, SRSTP**, 1283 Lakevue Drive, Butler, PA 16002. This project is for the construction of a single residence sewage treatment plant in Penn Township, **Butler County**.

WQM Permit No. 6299408. Sewage, **Robert G. Chase, Sr., SRSTP**, R. R. 2, Box 123, Sugar Grove, PA 16350. This project is for the construction of a single residence sewage treatment plant in Sugar Grove Township, **Warren County**.

WQM Permit No. 4299403. Sewage, **Michael A. Torrey, SRSTP**, R. R. 1, Box 239A, Eldred, PA 16731. This project is for the construction of a single residence sewage treatment plant in Ceres Township, **McKean County**.

WQM Permit No. 2099407. Sewage, **Donald K. Jr. and Kelli L. Granda, SRSTP**, 16572 Harmonsburg Road, Meadville, PA 16335. This project is for the construction of a single residence sewage treatment plant in Vernon Township, **Crawford County**.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations set forth in the permit and special conditions. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

NPDES Permit PAS10-G094-R. Stormwater. **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntington Valley, PA 19006, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Brandywine Creek.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U114. Stormwater. **Steven Follett**, President, Follett Corporation, 801 Church Lane,

P. O. Box D, Easton, PA 18044, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

Monroe County Conservation District, District Manager; 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S078. Stormwater. **Tobyhanna Pipeline, UGI Utilities, Inc.**, 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677, has applied to discharge stormwater from a construction activity located in Tobyhanna and Coolbaugh Townships, **Monroe County**, to Tobyhanna Creek.

SAFE DRINKING WATER

Application received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Bureau of Water Supply Management: Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka, (717) 787-9037.

A. 9996476. Aqua Valley Spring Water, Inc., 874 Dutch Valley Road, Edmeston, NY 13335; John M. Wheeler, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Aqua Valley Spring Water.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific

cleanup standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notice of Intent to Remediate:

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

New Castle Area Transit Authority, 107 Taylor Street, New Castle, PA 16101, City of New Castle, **County of Lawrence**, has submitted a Notice of Intent to Remediate soil and groundwater. The site has been found to be contaminated with BTEX, lead and PAHs. The applicant proposes to remediate the site to meet the background and Statewide health standards. The Notice of Intent to Remediate was published in the *New Castle News* on May 20, 1999.

SOLID AND HAZARDOUS WASTE

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Sterilogic Waste Systems, Inc., 9948 Kistler Valley Road, Kempton, PA 19529; Chris Kerr, President; application received May 10, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regu-

lated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permit will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

40-309-036B: Schott Glass Technologies, Inc. (400 York Avenue, Duryea, PA 18642), for operation of a PLG production system in Duryea Borough, **Luzerne County**.

40-399-040: Wyoming Valley Sanitary Authority (P. O. Box 33A, Wilkes Barre, PA 18703), for operation of a lime storage and transfer system in Hanover Township, **Luzerne County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-56-00157: Windber Area School District (2301 Graham Avenue, Windber, PA 15693), for operation of Jr/Sr High School in Winber Borough, **Somerset County**.

OP-65-00084: Allegheny Foundry Co. (1100 Penn Center Boulevard, Pittsburgh, PA 15235), for operation of Grey Iron Foundry at Bolivar Plant in Fairfield Township, **Westmoreland County**.

OP-63-00004: MolyCorp (300 Caldwell Avenue, Washington, PA 15301), for operation of nonferrous smelter at Washington Plant in Canton Township, **Washington County**.

OP-65-00912: Babcock Lumber Co. (2220 Palmer Street, Pittsburgh, PA 15218), for operation of millwork facility in Donegal Township, **Westmoreland County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

06-05078: FR&S, Inc. (727 Red Lane Road, Birdsboro, PA 19508), for Pioneer Crossing, a municipal solid waste landfill located in Exeter Township, **Berks County**. The emission sources at the facility consist of municipal solid waste landfill, old cell (101), facility roadways, paved and unpaved (103), municipal solid waste landfill, new cells (104) and a leachate storage system (105).

Notice of Intent to Revise Operating Permits for Hospital/Medical/Infectious Waste Incinerators

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines to control the emission of designated pollutants from existing hospital/medical/infectious waste incinerators (HMIWI) (See 62 FR 48348, September 15, 1997). These guidelines are codified at 40 CFR Part 60, Subpart Ce and incorporated by reference in 25 Pa. Code § 122.3. These Emission Guidelines apply to all existing HMIWI units which have commenced construction on or before June 20, 1996.

The Department of Environmental Protection (Department) has determined that the affected HMIWI units listed as follows are subject to the Emission Guidelines.

New or revised Federally enforceable State operating permits (FESOP), Title V operating permits or plan approvals, when necessary, will be submitted to the EPA as the legally enforceable mechanism to implement the Subpart Ce requirements.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, Attn: Mark Carmon, (570) 826-2531.

OP 39-301-062A. Lehigh Valley Hospital—Cedar Crest, Salisbury Township, **Lehigh County**. *Primary Emissions:* Hazardous air pollutants (HAPs). *Affected HMIWI unit:* Environmental Control Products Model 750T ECP hospital/medical/infectious waste incinerator with afterburner, 540 lbs/hr.

OP 39-301-062A. Lehigh Valley Hospital—17th and Chew Streets, City of Allentown, **Lehigh County**. *Primary Emissions:* Hazardous air pollutants (HAPs). *Affected HMIWI unit:* Environmental Control Products Model 500T hospital/medical/infectious waste incinerator with afterburner, 400 lbs/hr.

OP 40-301-078A. Geisinger Wyoming Valley Medical Center, Plains Township, **Luzerne County**. *Primary Emissions:* Hazardous air pollutants (HAPs). *Affected HMIWI unit:* Penram Model 300-1500K-18-2S hospital/medical/infectious waste incinerator with afterburner and Venturi scrubber air pollution control device, 300 lbs/hr.

OP 40-301-071A. American Red Cross Regional Blood Center, Hanover Township, **Luzerne County**. *Primary Emissions:* Hazardous air pollutants (HAPs). *Affected HMIWI unit:* Atlas Model CFA-661F hospital/medical/infectious waste incinerator with afterburner, 340 lbs/hr.

OP 58-301-005A. Barnes-Kasson County Hospital, Susquehanna Borough, **Susquehanna County**. *Primary Emissions:* Hazardous air pollutants (HAPs). *Affected HMIWI unit:* Hoskinson-Peace Model B Class III hospital/medical/infectious waste incinerator with afterburner, 250 lbs/hr.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

33-00108: Brookville Hospital, Inc. (100 Hospital Road, Brookville, PA 15825), in Brookville Borough, **Jefferson County**. *Primary Emissions:* Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs), and particulate matter (PM). *Affected HMIWI Unit:* Source ID 101, Cleaver Brooks hospital/medical/infectious waste incinerator, 175 pounds/hr. *Other Sources:* 5 boilers and 2 emergency generators.

42-00154: Bradford Regional Medical Center (116 Interstate Parkway, Bradford, PA 16701), in Bradford, **McKean County**. *Primary Emissions:* Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs), and particulate matter (PM). *Affected HMIWI Unit:* Source ID 101, Consumat Systems Inc. hospital/medical/hazardous waste incinerator, 175 pounds/hr. *Other Sources:* 2 boilers and 3 emergency generators.

37-00144: Jameson Memorial Hospital (1211 Wilmington Avenue, New Castle, PA 16105), in New Castle, **Lawrence County**. *Primary Emissions:* Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs), and particulate matter (PM). *Affected HMIWI Unit:* Eurich-Falcone hospital/medical/hazardous waste incinerator, 300 pounds/hr. *Other Sources:* 3 boilers and 3 emergency generators.

25-00688: Hamot Medical Center (201 State Street, Erie, PA 16555), in Erie, **Erie County**. *Primary Emissions:* Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs), and particulate matter (PM). *Affected HMIWI Unit:* Source ID 101, Cleaver Brooks hospital/medical/hazardous waste incinerator, 1,060 pounds/hr. *Other Sources:* 3 boilers and 6 emergency generators.

Copies of the draft permits or plan approvals and other relevant information are available for public inspection and additional information may be obtained by contacting the appropriate Regional Office between the hours of 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed permits or plan approvals to the Regional Office noted above within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the permit number of the proposed permit.

The commentator should include a concise statement of objections to the issuance of the revised permit or plan approval and the relevant facts upon which the objections are based.

A public hearing will subsequently be held for all HMIWI which will be shutting down, and have requested an extension beyond the 1 year compliance deadline specified in the draft permit or plan approval. The Department reserves the right to hold a public hearing on all other proposed actions based upon the information received during the public comment period and will provide notice of each hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

13-318-003A: Kovatch Corp. (One Industrial Complex, Nesquehoning, PA 18240), for modification of a paint spray operation in Nesquehoning Borough, **Carbon County**.

13-399-007: Panther Creek Partners (1001 Industrial Road, Nesquehoning, PA 18240), for construction of an ash handling/storage system in Nesquehoning Borough, **Carbon County**.

39-313-029E: Carpenter Insulation Co. (P. O. Box 124, Foglesville, PA 18051), for modification of a polystyrene production operation in Upper Macungie Township, **Lehigh County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-63-096A: Union Electric Steel Corp. (P. O. Box 465, Carnegie, PA 15106), for installation of one forging two annealing furnaces at Harmon Creek Plant in Smith Township, **Washington County**.

PA-11-434A: Laurel Land Development, Inc. (P. O. Box 692, Carrolltown, PA 15722), for installation of sandstone crushing process at Chickaree Quarry in Jackson Township, **Cambria County**.

PA-65-181A: Chestnut Ridge Foam, Inc. (P. O. Box 781, Latrobe, PA 15650), for installation of polyurethane foam molding manufacturing at the Latrobe Plant in Derry Township, **Westmoreland County**.

PA-65-890B: Carbide Corp. (900 Main Street, P. O. Box 228, Lowber, PA 15660), for installation of vacuum dryer and attritor mill at the Lowber Facility in Sewickley Township, **Westmoreland County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-25-095F: Lord Corp. (1635 West 12th Street, Erie, PA 16514), for construction of a metal treatment tank and installation of a scrubber in the City of Erie, **Erie County**.

Notice of Intent to Issue

Plan Approval OP-53-0009D

National Fuel Gas Supply Corporation

National Fuel Gas Supply Corp. (P. O. Box 2081, Erie, PA 16512) has submitted an application to the Department of Environmental Protection (Department) for plan approval to modify a natural gas-fired 3,200 horsepower reciprocating internal combustion engine (Engine 1A) at the Ellisburg Compressor Station in Allegany Township, Potter County. The modification consists of increasing the engine speed from 750 RPM to 1,000 RPM and the engine horsepower from 3,200 to 4,445. The information provided by the applicant and the Department's own analysis indicates that the modification may potentially result in a 19.36 ton per year increase in the respective engine's emission of nitrogen oxides, a 36.75 ton per year increase in its emission of carbon monoxide, a 19.36 ton per year increase in its emission of volatile organic compounds and a 1.95 ton per year increase in its emission of hazardous air pollutants (of which 1.22 tons per year will be formaldehyde). A preliminary review of the information submitted by National Fuel Gas Supply Corporation indicates that the proposed modification will meet all applicable air quality requirements including the New Source Review requirements specified in 25 Pa. Code §§ 127.201—127.217. Based on this finding, the Department intends to approve the application and issue a plan approval to modify the respective engine.

To ensure compliance with all applicable regulatory requirements, the Department proposes to place the following conditions in the respective plan approval:

1. The engine is to be modified in accordance with the plans submitted with the application (as approved in this plan approval).

2. The plan approval is issued for the modification of a Caterpillar G3616 natural gas-fired 3,200 brake horsepower reciprocating internal combustion engine (Engine 1A). The modification consists of increasing the engine's speed from 750 RPM to 1,000 RPM and its horsepower from 3,200 to 4,445 which will result in the following increases in the engine's potential to emit air contaminants:

| <i>Air Contaminant</i> | <i>Increase (tons per 12 consecutive month period)</i> |
|---|--|
| Nitrogen oxides (NO _x , expressed as NO ₂) | 19.36 |
| Carbon monoxide (CO) | 36.75 |
| Volatile organic compound (VOCs) | 19.36 |
| Combined hazardous air pollutants (HAPs) | 1.95 |
| Formaldehyde | 1.22 |

3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the Department has preliminarily determined that the nitrogen oxides emissions (NO_x, expressed as NO₂) from the modified engine shall not exceed 15.7 pounds per hour and 68.77 tons in any 12 consecutive month period, the carbon monoxide emissions shall not exceed 22.5 pounds per hour and 98.55 tons in any 12 consecutive month period, the volatile organic compound emissions shall not exceed 8.8 pounds per hour and 38.54 tons in any 12 consecutive month period, the combined emission of all hazardous air pollutants shall not exceed 1.59 pounds per hour and 6.96 tons in any 12 consecutive month period and the formaldehyde emissions shall not exceed .991 pounds per hour and 4.34 tons in any 12 consecutive month period. The Department reserves the right to establish more stringent air contaminant emission limitations for this engine should emission testing or other data demonstrate that lower emission rates are reasonably achievable.

4. Within 120 days of modifying the engine, the company shall perform nitrogen oxides, carbon monoxide, volatile organic compound and formaldehyde stack testing upon the engine while the engine is being operated at maximum capacity. The stack testing shall consist of at least three separate test runs for each pollutant and shall be performed using stack test procedures which are acceptable to the Department.

5. At least 45 days prior to the scheduled performance of the stack testing required by condition 4, the company shall submit a test plan or protocol to the Department. This plan shall contain a description of the specific testing and analytical procedures to be used in performing the testing, a listing of all engine operating parameters to be monitored during test performance and dimensioned drawings or sketches of the test port locations showing the upstream and downstream ductwork, and the like configuration.

6. The Department shall be given at least 14 days advance notice of the scheduled dates and times for the performance of the testing required by condition 4. The Department is under no obligation to accept the results of any testing performed without adequate advance notice having been provided.

7. Within 60 days of the completion of the testing required by condition 4, three copies of a test report shall be submitted to the Department. This report shall contain the results of the stack testing reported in pounds per hour, a description of the testing and analytical procedures actually used, the horsepower and speed at which the engine was operated during each test run, all other engine operating data recorded during the testing, a copy of all raw data and a copy of all calculations generated during data analysis.

8. In addition to the testing required by condition 4, the engine shall be tested for nitrogen oxides emissions twice per year using a portable emission analyzer and sampling procedure which has been approved by the

Department. This testing shall be performed between March 1 and April 30 and between October 1 and November 30. The first such occurrence of portable analyzer testing need not occur, however, until the testing required by condition 4 has first been completed. At least 60 days prior to the first occurrence of portable analyzer testing, the company shall submit a portable analyzer sampling plan or protocol to the Department for evaluation. Additionally, a test report containing the results of the testing and identifying the horsepower and speed at which the engine was operated during the testing shall be submitted to the Department within 30 days of the completion of each occurrence of testing.

9. The engine shall be fired only on pipeline quality natural gas.

10. The company shall maintain comprehensive accurate records of engine speed, spark position, developed torque, fuel manifold pressure, air manifold pressure, air manifold temperature and the number of hours the engine is operated each month. All records made under this condition are to be retained for at least 5 years and shall be made available to the Department upon request.

11. Under the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217, the engine shall not be operated at a horsepower in excess of 3,200 or a speed in excess of 750 RPM until National Fuel Gas is first in possession of 66.15 tons of Department-approved volatile organic compound emission reduction credits (unless the Department determines that a lesser amount of emission reduction credits must be obtained due to the availability of onsite generated volatile organic compound emission reduction credits which can be used for netting purposes).

12. Issuance of an operating permit for the modified engine is contingent upon the engine being modified, and subsequently maintained and operated, as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the modified engine are in compliance with the limitations specified in any condition contained herein and the requirements specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III.

13. The company shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

14. All conditions contained in Plan Approval OP-53-0009C which are not specifically superseded or modified by a condition or conditions contained herein shall remain in effect.

15. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met:

(a) The Department must receive written notice from the owner or operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when the operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner or operator under Subpart (a), above.

(d) The owner or operator may request an extension if compliance with all applicable regulations and plan approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

(e) The notice submitted by the owner or operator under Subpart (a), above, prior to the expiration of this plan approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

16. Notification required as a result of any condition herein should be directed to: Richard L. Maxwell, Jr., Chief, Engineering Services, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

The conditions listed above are intended to identify the respective air contamination source, establish allowable air contaminant emission rates and source operating requirements and establish appropriate testing, monitoring, recordkeeping and reporting requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed as follows:

Persons wishing to protest the issuance of the plan approval or wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed as follows. Protests or comments must be received by the Department within 30 days from the last date of publication of this notice to be considered. Each written protest or comment must include the following: name, address and telephone number of the person submitting the protest or comment, identification of the proposed plan approval (OP-53-0009D) and a concise explanation of the reasons for the protest or the relevance of the comments.

A public hearing may be held, if the Department in their discretion decided that such a hearing is warranted based on the information received. Persons submitting a protest or a comment or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient. All results for a hearing must be received by the Department no later than 30 days after the last day of publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer,

Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region, Field Operations, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3648.

For additional information regarding the Department's analysis of the plan approval application, contact Richard L. Maxwell, Jr., Chief Engineering Services, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3745.

**Public Notification to Solicit Comments
on Plan Approval Application No. PA-46-0005H**

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for Merck & Co., Inc. (company), Sumneytown Pike, West Point, Upper Gwynedd Township, Montgomery County, PA for the construction of two boilers and a combustion turbine. The two boilers and combustion turbine are described in the company's plan approval application of August 28, 1998, and subsequent supplemental submissions. With the addition of the two boilers and combustion turbine, the company's contemporaneous 5-year increase in the emission of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) is 149.8 tpy and 23.9 tpy, respectively. Because the contemporaneous 5-year increase for Merck & Co., Inc., is greater than 25 tpy of NO_x, the company is required to provide emission reduction credits for NO_x in the amount of 194.8 tpy, prior to the start-up of the two boilers and combustion turbine.

Copies of the application, technical review by the Department, and other supporting documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown as follows. To make an appointment, contact Records Management at (610) 832-6268, for an appointment.

Based on the information provided by the applicant and the Department's own analysis, the proposed boilers and combustion turbine would emit:

| <i>Pollutant</i> | <i>Emission Rate, tpy</i> |
|----------------------------|---------------------------|
| Nitrogen oxides | 144.8 tons per year |
| Carbon monoxide | 271.5 tons per year |
| Volatile organic compounds | 15.9 tons per year |
| Sulfur dioxide | 48.1 tons per year |
| Particulate matter < 10 µm | 65.2 tons per year |
| Particulate matter | 43.2 tons per year |

Based on the information provided by the applicant and the Department's own analysis, the proposed boilers and combustion turbine would consume the following increments:

| <i>Pollutant</i> | <i>Ambient Air Quality Impact</i> |
|---------------------------|--|
| Nitrogen dioxide | 0.68 µg/m ³ (annual avg.) |
| Carbon monoxide | 112.4 µg/m ³ (1 hour avg.) and 49.0 µg/m ³ (8 hour avg.) |
| Sulfur dioxide | 14.1 µg/m ³ (3 hour avg.), 4.0 µg/m ³ (24 hour avg.), and 0.36 µg/m ³ (annual avg.) |
| Particulate matter < 10µm | 3.2 µg/m ³ (24 hour avg.) and 0.30 µg/m ³ (annual avg.) |

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

1. Operational Limitations

A. The emissions of nitrogen oxides from Cogen III shall be controlled by the use of dry low NO_x combustor technology.

B. The emissions of nitrogen oxides from the No. 8 and No. 10 boilers shall be controlled by the use of low NO_x burners, flue gas recirculation and a selective catalytic reduction system.

C. The company shall construct, operate and maintain the No. 8 and 10 boilers and the combustion turbine in accordance with manufacturer's specifications as well as good air pollution control practices.

D. The company shall properly maintain the No. 8 and 10 boilers by the following steps listed as follows.

i. The company shall conduct an annual adjustment or tune-up on the combustion units. This adjustment shall include, but not be limited to the following:

(1) Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(2) Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and to the extent practicable minimize emissions of CO.

(3) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation specified by the manufacturer.

ii. The company shall record each adjustment conducted under the procedures in paragraph in a permanently bound logbook or other method approved by the Department. This log shall contain, at a minimum, the following information:

- (1) The date of the tuning procedure.
- (2) The name of the service company and technicians.
- (3) The final operating rate or load.
- (4) The final CO and NO_x emission rates.
- (5) The final excess oxygen rate.

E. The No. 8 and 10 boilers are subject to Subpart Db of the Standards of Performance for New Stationary Sources (NSPS) and the combustion turbine is subject to Subpart GG of the NSPS. Each shall comply with all applicable requirements of their respective Subparts. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103

F. The hours of operation of the No. 8 boiler, No. 10 boiler and Cogen III combustion turbine shall not be limited.

G. The sulfur content of the No. 2 fuel oil combusted in the No. 8 and No. 10 boilers shall not, at any time, exceed 0.05%, by weight. Additionally, the No. 2 fuel oil shall not, at any time, contain reclaimed or waste oil or other waste materials.

H. The company shall combust only natural gas in Cogen III combustion turbine.

I. The company shall limit the amount of No. 2 fuel oil combusted in the No. 8 boiler to 3,250,000 gallons, or less, in a 12 month rolling period.

J. The company shall limit the amount of No. 2 fuel oil combusted in the No. 10 boiler to 3,250,000 gallons, or less, in a 12 month rolling period.

K. The company shall install a fuel meter, or equivalent on the fuel oil supply line to the No. 8 and 10 boilers.

L. The company shall, upon Department request, provide fuel analyses, or fuel samples, of the fuel used in the No. 8 and 10 boilers.

M. The following conditions apply to the operation of the selective catalytic reduction units (SCR) on the No. 8 and 10 boilers.

i. The company shall be equipped with a magnehelic pressure drop gauge, or equivalent, to monitor the pressure drop across the catalyst bed.

ii. The company shall install a certified continuous emission monitor to monitor the temperature of the exhaust into the SCR catalyst chamber.

iii. Equipment (a rotameter or equivalent, as approved by the Department) shall be provided so that the flow rate of reagent to the SCR can be measured.

iv. The company shall install, operate and maintain the SCR system in accordance with the manufacturer's specifications and good air pollution control practices.

v. The maximum inlet temperature of the SCR system shall be determined prior to the issuance of the operating permit.

N. Within 1 hour of discovery, the company shall notify the Department, at (610) 832-6241, of any malfunction of

the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III. A written report shall be submitted to the Department within 5 working days following the incident describing the malfunctions and corrective actions taken.

2. Construction Schedule

A. The company shall commence construction of Cogen III combustion turbine and the No. 8 boiler by March 31, 2001 (Phase I).

B. The company shall commence construction of the No. 10 boiler by December 1, 2002 (Phase II).

C. This Plan Approval to construct becomes invalid if: 1) Construction, as defined in 40 CFR 52.21(b)(8), is not commenced by March 31, 2001; or 2) Construction is discontinued for a period of 18 months or more.

D. If the company does not commence construction of the No. 10 boiler by December 1, 2002, then the company shall submit a new plan approval application for the No. 10 boiler. The plan approval application for the No. 10 boiler shall be in conformance with all applicable rules and regulations of the Department.

3. Emission Limitations

A. The following air contaminant emission limits are approved for the No. 8 boiler.

| <i>Pollutant</i> | <i>Emission Limitation When Firing Natural Gas</i> | <i>Emission Limitation When Firing No. 2 Fuel Oil</i> | <i>Annual Emission Rate¹</i> |
|------------------------------------|--|---|---|
| Nitrogen oxides (NO _x) | 0.012 lb/MMBtu | 0.1 lb/MMBtu | 32.9 tpy |
| Volatile organic compounds (VOCs) | 0.01 lb/MMBtu | 0.011 lb/MMBtu | 3.1 tpy |
| Carbon monoxide (CO) | 0.37 lb/MMBtu | 0.38 lb/MMBtu | 55.4 tpy |
| Particulate matter (PM) | 0.01 lb/MMBtu | 0.06 lb/MMBtu | 10.6 tpy |
| Particulate matter < 10 µm | | | 10.6 tpy |
| Sulfur dioxide (SO ₂) | 0.006 lb/MMBtu | 0.052 lb/MMBtu | 16.9 tpy |

¹Based on a 12 month rolling sum calculated monthly.

B. The following air contaminant emission limits are approved for the No. 10 boiler.

| <i>Pollutant</i> | <i>Emission Limitation When Firing Natural Gas</i> | <i>Emission Limitation When Firing No. 2 Fuel Oil</i> | <i>Annual Emission Rate¹</i> |
|------------------------------------|--|---|---|
| Nitrogen oxides (NO _x) | 0.012 lb/MMBtu | 0.1 lb/MMBtu | 32.9 tpy |
| Volatile organic compounds (VOCs) | 0.01 lb/MMBtu | 0.011 lb/MMBtu | 3.1 tpy |
| Carbon monoxide (CO) | 0.37 lb/MMBtu | 0.38 lb/MMBtu | 55.4 tpy |
| Particulate matter (PM) | 0.01 lb/MMBtu | 0.06 lb/MMBtu | 10.6 tpy |
| Particulate matter < 10 µm | | | 10.6 tpy |
| Sulfur dioxide (SO ₂) | 0.0006 lb/MMBtu | 0.052 lb/MMBtu | 16.9 tpy |

¹Based on a 12 month rolling sum calculated monthly.

C. The following air contaminant emission limits are approved for Cogen III combustion turbine.

| <i>Pollutant</i> | <i>Emission Limitation When Firing Natural Gas</i> | <i>Annual Emission Rate¹</i> |
|------------------------------------|--|---|
| Nitrogen oxides (NO _x) | 9 ppmvd @ 15% O ₂ | 79.1 tpy |
| Volatile organic compounds (VOCs) | 0.004 lb/MMBtu | 9.6 tpy |
| Carbon monoxide (CO) | 67 ppmvd @ 15% O ₂ | 160.7 tpy |
| Particulate matter (PM) | 5 lbs/hr | 22.0 tpy |
| Particulate matter < 10 µm | | 43.9 tpy |
| sulfur dioxide (SO ₂) | 0.006 lb/MMBtu | 14.4 tpy |

¹Based on a 12 month rolling sum calculated monthly.

D. The company shall comply with the provisions contained in 25 Pa. Code § 123.31(b), regarding malodors.

E. The No. 8 and No. 10 boilers shall comply with the provisions contained in 40 CFR 60.43b(f) or 25 Pa. Code § 123.41, whichever is more stringent.

F. The Cogen III combustion turbine shall comply with the provisions contained in 25 Pa. Code § 123.41, regarding visible emissions.

4. Emission Reduction Credit Requirements

A. The company shall not operate the No. 8 boiler, the No. 10 boiler and the Cogen III combustion turbine until the required emission reduction credits are processed through the ERC registry.

B. The company is required to provide emission offsets in the amount of 194.8 tons per year of NO_x and 48.5 tons per year of VOCs to offset emissions increases of 149.8 tons per year of NO_x and 37.3 tons per year of VOCs.

5. NO_x Allowance Requirements

A. The following conditions apply only to Cogen III combustion turbine.

B. The company shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101–123.120.

C. The company shall establish a compliance account prior to the commencement of operations and is responsible to acquire any required NO_x allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

6. Monitoring Requirements

A. The company shall install, operate and maintain continuous emission monitors for nitrogen oxides, oxygen, carbon monoxide; and opacity on the No. 8 boiler, No. 10 boiler and Cogen III combustion turbine.

B. The continuous emission monitoring system for the parameters in Condition 4.A. must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139. Proposals containing the information as listed in Phase I section of the Department's *Continuous Source Monitoring Manual* for the continuous emission monitoring system must be submitted at least 3 months prior to the start-up of the No. 8 boiler, No. 10 boiler or Cogen III combustion turbine.

C. The continuous emission monitoring system shall be maintained and operated to achieve the following data availability requirements.

| Requirement | <i>Monitored Pollutants or Parameters NO_x, Opacity, Oxygen and Temperature</i> |
|--------------------|---|
| Data Availability: | ≥90% valid hours/calendar month |
| Valid Hour: | ≥95% valid hours/calendar quarter ≥75% valid readings (45 minutes/hour) |

D. Continuous monitoring shall be conducted at the locations approved by the Department for the following:

i. Temperature shall be monitored prior to the inlet of the SCR system.

ii. Oxygen shall be monitored downstream of the air pollution control equipment.

iii. Nitrogen oxides shall be monitored downstream of the air pollution control equipment.

iv. Opacity shall be monitored downstream of the air pollution control equipment.

E. The continuous monitors shall be operated in such a manner as to determine compliance with the applicable limits in Conditions 3.A., 3.B., 3.C., 3.E. and 3.F., of this plan approval.

F. For the purpose of determining compliance with this plan approval, the oxygen content, as monitored upstream of the air pollution control equipment, shall be used wherever the oxygen content is required to be adjusted to 7% O₂, unless otherwise specified by the Department.

G. The company shall continuously monitor the amount reagent being injected.

H. The company shall, on a monthly basis, monitor the amount of No. 2 fuel oil combusted in the No. 8 boiler and No. 10 boiler to determine compliance with Conditions 1.K. and 1.L.

7. Testing Requirements

A. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after the initial start-up of the facility, the owner or operator shall conduct performance tests as per Sections 60.8 and 40 CFR Part 60, Subparts Db and GG and 25 Pa. Code Chapter 139.

B. The initial stack shall be for nitrogen oxides, carbon monoxide, volatile organic compounds, ammonia slip and particulate matter.

C. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

D. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

E. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval. All test reports shall be complete and include all operating conditions.

8. Recordkeeping and Reporting Requirements

Sufficient data shall be recorded, in a format approved by the Department, so that compliance with the conditions in this Plan Approval can be determined. Records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

A. The company shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this Plan Approval.

B. The company shall maintain a copy of the manufacturer's specifications for the No. 8 boiler, the No. 10 boiler and Cogen III combustion turbine onsite.

C. The company shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this plan approval.

D. The company shall keep a record of all the stack tests that are required in this Plan approval.

E. The company shall keep a monthly record of the fuel monitoring that is required by Condition 6.H.

F. The company shall keep a record of the date of the malfunction, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

G. The company shall keep a record, on a monthly basis, of the emissions from the No. 8 boiler, the No. 10 boiler and the Cogen III combustion turbine to demonstrate compliance with Conditions 3.A., 3.B. and 3.C.

H. The company shall keep all records that are required under 40 CFR Part 60 Subparts Db and GG.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown as follows. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. PA-46-0005H.

3. Concise statement regarding the relevancy of the information or objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address shown as follows. A public conference may be held if the Department in its discretion decides that such a conference is warranted on the basis of the information received. Persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient.

Written remarks from the public will be addressed by the Department during the review process before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval.

Written remarks should be sent to Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

For additional information contact George A. Monasky, P.E., at (610) 941-5123.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Applications Received

03980106. Thomas J. Smith Inc. (R. R. 1, Box 260D, Shelocta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, proposed to affect 94.1 acres. Receiving streams: Lindsay Run to Crooked Creek. Application received: May 28, 1999.

03890107R. McKay Coal Company, Inc. (R. R. 2, Templeton, PA 16259-9211). Renewal application received for continued reclamation of a bituminous surface mine located in Mahoning Township, **Armstrong County**.

Receiving streams: four unnamed tributaries to Cathcart Run and Cathcart Run; one unnamed tributary to Little Mudlick Creek. Renewal application received: June 2, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17960107. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a change in permit acreage from 40.7 to 41.3 acres, Greenwood Township, **Clearfield County**. Receiving streams: unnamed stream to West Branch Susquehanna River. Application received June 3, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

Environmental Assessment

EA65-002SW. Environmental Assessment. **Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). To construct and maintain passive treatment facilities in approximately 21 acres of existing wetlands (PEM) to treat mine drainage that currently flows into the wetlands from the former Hutchison and Angelcyk Mines. The proposed project will enhance the existing wetland with recontouring and berm construction to increase detention time to improve the quality of the discharges prior to entering Little Sewickley Creek (TSF). The existing wetlands to be enhanced were created and are sustained by the mine discharges from abandoned Pittsburgh and Redstone coal seam mines. The site is located approximately 0.5 mile east of Cowansburg (Irwin, PA Quadrangle N: 0.5 inch; W: 17.0 inches) (the discharge from the wetland is located at Latitude 40°15'07", Longitude 79°45'00") in Sewickley Township, **Westmoreland County**.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-618. Encroachment. **West Whiteland Twp.**, 222 N. Pottstown Pike, Exton, PA 19341. To remove an existing dilapidated bridge and to install, operate and maintain a 29.5 foot long × 19 foot wide × 7.5 foot high concrete box culvert at the same location in and along the 100 year floodway of Lionville Run (WWF), (a tributary to Valley Creek). The site is located approximately 80 feet west of the intersection of S. R. 100 and Township Line Road (Downingtown, PA Quadrangle N: 7.8 inches; W: 1.4 inches) in West Whiteland Township, **Chester County**.

E23-381. Encroachment. **PA DOT**, 200 Radnor Chester Rd., St. Davids, PA 19087-5178. To perform the following activities associated with the Baltimore Pike (S. R. 001, Section H05) Safety Improvement Project along a 4.2 mile segment of roadway which extends from a point just east of Brandywine Creek to a point just north of Thornton Road:

1. To operate, maintain and extend an existing 8-foot by 10-foot reinforced concrete box culvert situated in and along an unnamed tributary to Harvey Run (WWF-MF). The existing structure will be extended 10 linear feet on the downstream end. The proposed total length of the stream enclosure is 110 feet.

2. To relocate and maintain approximately 920 feet of stream channel along an unnamed tributary to Harvey Run through a new trapezoidal channel measuring approximately 865 linear feet at a point just downstream of the proposed culvert extension;

3. To extend and maintain two stormwater outfalls, a 15-inch RCP and a 24-inch RCP, into wetlands associated with roadway widening activities.

The site is located approximately 400 feet west of the intersection of Baltimore Pike (S. R. 0001) and Webb Road (S. R. 4022) (Wilmington North USGS Quadrangle N: 22.25 inches, W: 12.00 inches) in Chadds Ford Township, **Delaware County**.

E23-382. Encroachment. **Ridley School District**, 1001 Morton Avenue, Folsom, PA 19033-2997. To remove 1,050 foot segment of existing 72-inch reinforced concrete stream enclosure situated along an unnamed tributary of Little Crum Creek (WWF) and install and maintain a new 72-inch reinforced concrete stream enclosure measuring approximately 1,760 linear feet. This work will begin at Morton Avenue and extend downstream to outlet at Crum Creek. The relocation is necessary to accommodate the construction of the New Ridley High School (Ridley School District). The site is located directly adjacent to the existing Ridley High School, along Morton Avenue, approximately 1,000 feet northwest of its intersection with MacDade Boulevard (Lansdowne, PA USGS Quadrangle N: 2.5 inches; W: 12.1 inches) in Ridley Township, **Delaware County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-367. Encroachment. **County of Lehigh**, 17 South Seventh Street, Allentown, PA 18101-2400. To maintain the existing Basin Street Bridge across the Little Lehigh Creek (HQ-CWF) with work consisting of scour repairs to bridge piers and the construction of deflectors in Little Lehigh Creek. The project is located east of Klines Island at the Basin Street Bridge over Little Lehigh Creek. (Allentown East, PA Quadrangle N: 18.6 inches; W: 11.6 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-204. Encroachment. **Camp Wayne for Girls**, Attn: Noel L. Corpuel, 12 Allevard Street, Lido Beach, NY 11561. To construct and maintain a fresh water recreational facility in Upper Twin Lake (HQ-CWF). The facility has overall dimensions of approximately 140 feet (lakeward) by 95 feet, and consists of floating dock areas with prefabricated mushroom anchors and partitioned swimming areas. An 88-foot by 48-foot area of the lake, adjacent to the shoreline will be covered by vinyl decking material. The project is located along the northern shoreline of Upper Twin Lake, (Lake Como—NY Quadrangle N: 21.4 inches; W: 13.0 inches), Preston Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E21/292. Encroachment. **Monroe Township Municipal Authority**, 1220 Boiling Springs Rd., Mechanicsburg, PA 17055. To construct and maintain a sewage pump station within the 100-year floodway of Yellow Breeches Creek located in Leidighs Village (Mechanicsburg, PA Quadrangle N: 3.3 inches; W: 12.8 inches) in Monroe Township, **Cumberland County**.

E36-676. Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17102. To remove the existing structure deck, construct and maintain a two span bridge using prestressed concrete box beams. The widening of the bridge abutments and center pier will impact a de minimis area of wetlands of 0.064 acre. Rock for scour protection will be placed at the bridge abutments and around the pier. The bridge has two clear spans of 61.2 feet each on a 42° 30" skew with a minimum underclearance of 6.7 feet over the Little Conestoga Creek (WWF) on SR 30, Section 010 (West Leg).

The permit authorized extension of two existing 6-foot diameter reinforced concrete pipe (RCP) culverts in tributary channels to the Little Conestoga Creek on SR 741 (Rohrerstown Road), at Station 335 for an additional 35 feet upstream and 33 feet downstream. The second RCP culvert located under US 30 at Station 441+95 will be extended an additional 16 feet upstream and 28 feet downstream.

The proposed highway and bridge improvements will permanently impact two wetland areas totaling 0.088 acre. One wetland site (WL1) is located adjacent to Route 30, east of Rohrerstown Road, and wetland (WL6) is located between Route 30 and Farmingdale Road. The project work limits include improving 7.5 miles of Route 30 and 0.9 mile of Route 283 (Lancaster, PA Quadrangle East End: N: 12.5 inches; W: 11.2 inches and West End: N: 10.9 inches; W: 15.8 inches) in East Hempfield and Manheim Townships, and the City of Lancaster, **Lancaster County**.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E12-113. Encroachment. **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 48243-1902. To construct and maintain a natural gas pipeline, 36 inches in diameter, under Oviatt Branch (EV stream), five tributaries to Brewer Fork (EV), Havens Run (CWF), North Creek (HQ-CWF), Pepper Run (HQ-CWF), Waldy Run (HQ-CWF), a tributary to Waldy Run (HQ-CWF), Roaring Branch (HQ-CWF), Fourmile Run (CWF), Sinnemahoning Portage Creek (CWF), a tributary to Sinnemahoning Portage Creek (CWF), Lucore Hollow (CWF), Salt Run (CWF), a tributary to Salt Run (CWF), Rednor Hollow (CWF), Bucher Hollow (CWF), and McNuff Branch (HQ-CWF) and across eight wetlands. The pipeline in Cameron County beings at the northwest corner of Cameron County (Wildwood Fire Tower, PA Quadrangle N: 21.2 inches; W: 5.5 inches) and ends about 0.75 mile south of the intersection of Stream Mill Road with the Potter County/Cameron County Line (Emporium, PA Quadrangle N: 10.0 inches; W: 1.5 inches) in Shippen and Portage Townships, **Cameron County**. Total estimated stream disturbance is 240 feet and total temporary wetland impact is 0.5 acre.

E12-114. Encroachment. **Borough of Emporium**, 421 North Broad Street, Emporium, PA 15834. To remove gravel bars, restore channel capacity and do general maintenance as needed to protect and maintain the existing dike system along West Creek (HQ-CWF stream) and Driftwood Branch of Sinnemahoning Creek (TSF stream) located at the southern boundary of the Borough of Emporium (Emporium, PA Quadrangle N: 1.5 inches; W: 16.0 inches) in the Borough of Emporium, **Cameron County**. Total estimated stream disturbance is 800 feet.

E53-325. Encroachment. **Austin Borough**, P. O. Box 297, Austin, PA 16720. To remove the existing structure and to construct and maintain a concrete box culvert depressed 2 feet in the streambed with a span of 26 feet and a roadway width of 36 feet and a maximum underclearance of 6 feet with concrete wingwalls in Freeman Run on Elliott Street approximately 200 feet west of Rt. 872 (Austin, PA Quadrangle N: 1.71 inches; W: 12.40 inches) in Austin Borough, **Potter County**. The project will not impact on wetlands, while impacting approximately 60 feet of waterway. Freeman Run is a high quality stream.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E30-189. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridges and to construct and maintain a prestressed concrete I-beam bridge having a single normal span of 98.7 feet and an underclearance of 12.3 feet over South Fork Tenmile Creek (HQ-WWF). During construction, to maintain a Bailey-type temporary bridge having a normal span of 112.0 feet and an underclearance of 11.0 feet. This bridge is located on S. R. 0018 Section 03M approximately 4,000 feet north of Rogersville (Rogersville, PA Quadrangle N: 0.9 inch; W: 1.5 inches). Also to construct and maintain a prestressed concrete I-beam bridge having a single normal span of 122.2 feet and an underclearance of 16.6 feet over South Fork Tenmile Creek (HQ-WWF). During construction, to maintain a Bailey-type bridge having a normal span of 116.0 feet and an underclearance of 17.0 feet. This bridge is located on S. R. 0018 Section 04M approximately 1,000 feet south of Rogersville

(Rogersville, PA Quadrangle N: 0.6 inch; W: 3.6 inches). The applicant will place and maintain fill in a de minimis area of wetland (PEM) totaling 0.042 acre for the purpose of widening the bridge approaches and improving public safety in Center Township, **Greene County**.

E02-1274. Encroachment. **County of Allegheny, Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing bridge (Licks Run Bridge No. 10—LC 10) and to construct and maintain a 54 inch diameter culvert in an unnamed tributary to Licks Run (TSF). The bridge is located on Curry Road (Old Brownsville Road), just north from the intersection of Curry Road and Forest Avenue (Glassport, PA Quadrangle N: 14.3 inches; W: 15.8 inches) in South Park Township, **Allegheny County**.

E02-1275. Encroachment. **Municipality of Mt. Lebanon**, 710 Washington Road, Pittsburgh, PA 15228. To relocate and maintain 250 feet of a tributary to Sawmill Run (WWF) to eliminate erosion to the left bank properties. The site is located along the south side of McNeilly Road approximately 1,800 feet north of its intersection with Dewalt Drive (Pittsburgh West, PA Quadrangle N: 1.7 inches; W: 3.7 inches) in the Municipality of Mt. Lebanon, **Allegheny County**.

E26-256. Encroachment. **Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401-1030. To remove the deck on Fayette County Bridge No. 12, having a clear span of 15.1 feet and an underclearance of 3.5 feet and to construct and maintain a new deck. The structure is located across Ramcat Run (CWF), on T-880 (Ramcat Hollow Road) at a point approximately 1 mile south of T-892 and T-880 intersection (Ohiopyle, PA Quadrangle N: 13.45 inches; W: .7 inch) in Henry Clay Township, **Fayette County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E24-209. Encroachment. **PA Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge having a clean span of 11.4 meters and an underclearance of 1.8 meters on Red Run Road across Red Run (HQ-CWF, Wild Trout). The project is located on Red Run Road across Red Run approximately 4.3 kilometers north of the intersection of Red Run Road and S. R. 2004 (Quehanna Highway). This project will also utilize a rock lined stream ford as a temporary stream crossing for construction equipment approximately 8 meters upstream of the existing bridge (Driftwood, PA Quadrangle N: 6.5 inches; W: 16.4 inches) located in Benezette Township, **Elk County**.

E25-587. Encroachment. **Lake Pointe Community Church**, 32 Eagle Point Boulevard, Erie, PA 16511. To place fill in a total of 0.22 acre of wetland to provide a permanent access road into the property owned by Lake Pointe Community Church. This project is located on the north side of Iroquois Avenue (SR 0955) approximately 600 feet west of the intersection of Iroquois Avenue (SR 0955) and Walbridge Road. This project will also include creation of 0.22 acre of replacement wetland on this property adjacent to existing wetlands (Harborcreek, PA Quadrangle N: 5.8 inches; W: 1.5 inches) located in Harborcreek Township, **Erie County**.

E62-347. Encroachment. **Brokenstraw Valley Area Authority**, Box 155, Youngsville, PA 16371-0156. To place and maintain the following utility crossings and encroach-

ments as part of the Brokenstraw Valley Area Authority sewage collection and treatment system:

1. A directional placement of a 4-inch-diameter HDPE force main across and under the Allegheny River (WWF, 1-A Scenic River) (Youngsville, PA Quadrangle Latitude 41°48'18"; Longitude 79°16'51") in Brokenstraw and Pleasant Townships, Warren County.

2. An open cut placement of an 8-inch-diameter ductile iron pipe across and under Dunn Run (CWF) (Youngsville, PA Quadrangle Latitude 41°48'20"; Longitude 79°16'56") in Brokenstraw Township, Warren County.

3. An open cut placement of a 1.5-inch-diameter HDPE force main across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°48'00"; Longitude 79°17'08") in Brokenstraw Township, Warren County.

4. An open cut placement of a 14-inch-diameter ductile iron pipe across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°49'55"; Longitude 79°15'25") in Pleasant Township, Warren County.

5. An open cut placement of an 8-inch-diameter ductile iron pipe across and under Lenhart Run (CWF) (Youngsville, PA Quadrangle Latitude 41°49'40", Longitude 79°15'35") in Pleasant Township, Warren County.

6. An open cut placement of a 14-inch-diameter ductile iron pipe and a 12 inch diameter HDPE force main across and under Lenhart Run (CWF) (Youngsville, PA Quadrangle Latitude 41°49'41"; Longitude 79°15'41") in Pleasant Township, Warren County.

7. An open cut placement of a 4-inch-diameter HDPE force main across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°49'07"; Longitude 79°16'04") in Pleasant Township, Warren County.

8. An open cut placement of a 6-inch-diameter ductile iron pipe and a 4-inch-diameter HDPE force main across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°48'17"; Longitude 79°16'45") in Pleasant Township, Warren County.

9. An open cut placement of an 8-inch-diameter ductile iron pipe across and under Charley Run (CWF) (Youngsville, PA Quadrangle Latitude 41°48'13"; Longitude 79°16'46") in Pleasant Township, Warren County.

10. A 36-inch-diameter outfall and headwall structure in the Allegheny River (WWF, 1-A Scenic River) (Youngsville, PA Quadrangle Latitude 41°49'57"; Longitude 79°15'28") in Pleasant Township, Warren County.

11. A directional placement of a 10-inch-diameter HDPE force main across and under the Allegheny River (WWF, 1-A Scenic River) (Youngsville, PA Quadrangle Latitude 41°50'27"; Longitude 79°15'14") in Pleasant and Brokenstraw Townships, Warren County.

12. An open cut placement of a 10-inch-diameter HDPE force main across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°50'09"; Longitude 79°15'13") in Pleasant Township, Warren County.

13. An open cut placement of a 10-inch-diameter HDPE force main across and under Irvine Run (CWF) (Youngsville, PA Quadrangle Latitude 41°50'27"; Longitude 79°15'31") in Brokenstraw Township, Warren County.

14. A directional placement of a 10-inch-diameter HDPE force main across and under Brokenstraw Creek (CWF, Trout Stocked) (Youngsville, PA Quadrangle Latitude 41°50'20"; Longitude 79°15'48") in Brokenstraw Township, Warren County.

15. An open cut placement of a 14-inch-diameter ductile iron pipe across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°50'17"; Longitude 79°16'01") in Brokenstraw Township, Warren County.

16. An open cut placement of a 6-inch-diameter ductile iron pipe across and under a tributary to Allegheny River (WWF) (Youngsville, PA Quadrangle Latitude 41°50'24"; Longitude 79°16'05") in Brokenstraw Township, Warren County.

17. An open cut placement of a 14-inch-diameter ductile iron pipe across and under a tributary to Brokenstraw Creek (CWF) (Youngsville, PA Quadrangle Latitude 41°50'40"; Longitude 79°18'14") in Brokenstraw Township, Warren County.

18. An open cut placement of a 14-inch-diameter ductile iron pipe across and under Mead Run (CWF) (Youngsville, PA Quadrangle Latitude 41°50'41"; Longitude 79°20'01") in Brokenstraw Township, Warren County.

19. A directional placement of an 8-inch-diameter HDPE force main across and under Brokenstraw Creek (CWF, Trout Stocked) (Youngsville, PA Quadrangle Latitude 41°50'56"; Longitude 79°19'23") in Youngsville Borough, Warren County.

20. A directional placement of a 6-inch-diameter HDPE force main across and under Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°49'59"; Longitude 79°22'57") in Pittsfield Township, Warren County.

21. A directional placement of a 6-inch-diameter HDPE force main across and under Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°49'53"; Longitude 79°22'58") in Pittsfield Township, Warren County.

22. An open cut placement of an 8-inch-diameter ductile iron pipe and a 6 inch diameter HDPE force main across and under Andrews Run (CWF) (Pittsfield, PA Quadrangle Latitude 41°49'40"; Longitude 79°22'45") in Pittsfield Township, Warren County.

23. A directional placement of a 4-inch-HDPE force main across and under Little Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°50'03"; Longitude 79°23'02") in Pittsfield Township, Warren County.

24. A directional placement of a 3-inch-diameter HDPE force main across and under Little Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°50'36"; Longitude 79°23'22") in Pittsfield Township, Warren County.

25. An open cut placement of an 8-inch-diameter ductile iron pipe across and under a tributary to Little Brokenstraw Creek (CWF) (Youngsville, PA Quadrangle Latitude 41°50'20"; Longitude 79°21'40") in Brokenstraw Township, Warren County.

26. An open cut placement of an 8-inch-diameter ductile iron pipe across and under a tributary to Brokenstraw Creek (CWF) (Youngsville, PA Quadrangle Latitude 41°50'28"; Longitude 79°21'39") in Brokenstraw Township, Warren County.

27. A horizontal placement of an 8-inch-diameter PVC pipe in steel casing across and under Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°48'53"; Longitude 79°26'50") in Pittsfield Township, Warren County.

28. An open cut placement of a 6-inch-diameter ductile iron pipe across and under Gar Run (CWF) (Pittsfield, PA Quadrangle Latitude 41°48'49"; Longitude 79°26'55") in Pittsfield Township, Warren County.

29. An open cut placement of a 2.5-inch-diameter HDPE force main across and under Hosmer Run (CWF) (Pittsfield, PA Quadrangle Latitude 41°48'33"; Longitude 79°27'29") in Pittsfield Township, Warren County.

30. A directional placement of a 4-inch-diameter HDPE force main across and under a wetland area (PSS) (Pittsfield, PA Quadrangle, Latitude 41°48'34"; Longitude 79°25'30") in Pittsfield Township, Warren County.

31. A directional placement of a 4-inch-diameter HDPE force main across and under Brokenstraw Creek (CWF, Trout Stocked) (Pittsfield, PA Quadrangle Latitude 41°48'32"; Longitude 79°25'29") in Pittsfield Township, **Warren County.**

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System
Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

WQM Permit No. 1599407. Sewerage. **Westtown Township**, 1081 Wilmington Pike, West Chester, PA 19382. Approval for the replacement of existing disinfection system with an ultraviolet (UV) radiation disinfection system located in Westtown Township, **Bucks County**.

WQM Permit No. 4699406. Sewerage. **Upper Salford Township**, P. O. Box 100, Salfordville, PA 18958-0100. Approval for the construction of a small flow STP to replace an existing malfunctioning onlot septic system located at Upper Salford Township, **Montgomery County**.

NPDES Permit No. PA0057681. Industrial waste. **Bi-County Fuels, Inc.**, 10 North Kearns Avenue, Chalfont, PA 18914, is authorized to discharge from a facility located in Chalfont Borough, **Bucks County** to West Branch of Neshaminy Creek.

NPDES Permit No. PA0043974. Sewerage. **Valley Forge Sewer Authority**, 331 Pawling Road, Phoenixville, PA 19460-2656, is authorized to discharge from a facility located in Schuylkill Township, **Chester County** to the Schuylkill River.

NPDES Permit No. PA0026964. Sewerage. **Montgomery County Sewer Authority**, P. O. Box 297, Oaks, PA 19456, is authorized to discharge from a facility located at Oaks WWTP in Upper Providence Township, **Montgomery County** to receiving waters named Schuylkill River.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Permit No. PA-0060411. Sewerage. **Thornhurst Country Club Estates**, 143 Country Club Estates, Thornhurst, PA 18424, is authorized to discharge from a facility located in Lehigh Township, **Lackawanna County**, to Pond Creek.

NPDES Permit No. PA-0063045. Industrial waste. **The Recovery Group**, 270 Congress Street, Boston, MA 02210, is authorized to discharge from a facility located in Scott Township, **Lackawanna County**, to South Branch Tunkhannock Creek.

NPDES Permit No. PA-0060593. Sewerage. **Wilbar Realty Sanitary Company**, 1199 Laurel Run Road, Wilkes-Barre, PA 18702-9979, is authorized to discharge from a facility located in Rice Township, **Luzerne County**, to Nuangola Outlet to Little Wapwallopen Creek.

NPDES Permit No. PA-0061051. Sewerage. **Farda Associates, Inc.**, Route 715, Tannersville, PA 18372-0130, is authorized to discharge from a facility located in Pocono Township, **Monroe County**, to an unnamed Tributary to Pocono Creek.

Permit No. 1398404. Sewerage. **East Side Borough**, R.R. 1, White Haven, PA 18661. Permit to construct a sewage pumping station and a sanitary sewer collection and conveyance system in East Side Borough. **Carbon County**.

Permit No. 1399402. Sewerage. **East Side Borough**, R.R. 1, White Haven, PA 18661. Permit to construct a sanitary sewer collection and conveyance system in East Side Borough, **Carbon County**.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.

Permit No. 0699403-99-1. Sewerage. **Borough of Wyomissing**, 22 Reading Boulevard, Wyomissing, PA

19610. This permit approves the construction/operation of pump stations in Wyomissing Borough, **Berks County**.

Permit No. 2199402. Sewerage. **Mr. and Mrs. Mark W. Lehman**, 695 Center Road, Newville, PA 17241. This permit approves the construction of sewage treatment facilities in Lower Mifflin Township, **Cumberland County**.

Permit No. 2199403. Sewerage. **Hampden Township Sewer Authority**, 230 Sporting Hill Road, Mechanicsburg, PA 17055. This permit approves the construction of pump station in Hampden Township, **Cumberland County**.

Permit No. 3699402. Sewerage. **Robert C. Gardner**, 2520 Ironville Pike, Columbia, PA 17512. This permit approves the construction of sewage treatment facilities in West Hempfield Township, **Lancaster County**.

Permit No. 2899403. Sewerage. **Mr. and Ms. Kenneth E. Heckman**, 265 West Burkhardt Avenue, Chambersburg, PA 17201. This permit approves the construction of sewage treatment facilities in Hamilton Township, **Franklin County**.

Permit No. 2195425 T1. Sewerage. **Williams Grove Associates**, 20 Erford Road, Suite 215, Lemoyne, PA 17043. This permit transfers sewage treatment facilities to a new owner in Monroe Township, **Cumberland County**.

NPDES Permit No. PA0070335. Industrial waste. **McConway & Torley Corporation**, 230 Railroad Street, Kutztown, PA 19530, is authorized to discharge from a facility located in Kutztown Borough, **Berks County** to the receiving waters named Sacony Creek.

NPDES Permit No. PA0085928. Industrial waste. **Eldorado Properties Corporation**, 900 Eisenhower Boulevard, P. O. Box 2621, Harrisburg, PA 17105, is authorized to discharge from a facility located in Lower Swatara Township, **Dauphin County** to the receiving waters of an unnamed tributary to Laurel Run.

NPDES Permit No. PAG043617. Sewerage. **Mr. and Mrs. Mark W. Lehman**, 695 Center Road, Newville, PA 17241, is authorized to discharge from a facility located in Lower Mifflin Township, **Cumberland County** to the receiving waters named Doubling Gap Creek.

NPDES Permit No. PAG043610. Sewerage. **Robert C. Gardner**, 2520 Ironville Pike, Columbia, PA 17512, is authorized to discharge from a facility located in West Hempfield Township, **Lancaster County** to the receiving waters named Shawnee Run.

NPDES Permit No. PAG043618. Sewerage. **Kenneth and Mary M. Heckman**, 265 West Burkhardt Avenue, Chambersburg, PA 17201, is authorized to discharge from a facility located in Hamilton Township, **Franklin County** to the receiving waters of an unnamed tributary to Dennis Creek.

NPDES Permit No. PA0081795, Amendment No. 1. Sewerage. **Williams Grove Associates**, 20 Erford Road, Suite 215, Lemoyne, PA 17043, is authorized to discharge from a facility located in Monroe Township, **Cumberland County** to the receiving waters named Yellow Breeches Creek.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0009318. Industrial waste. **Alcan Cable**, 409 Reighard Avenue, Williamsport, PA 17701. Renewal granted to discharge treated industrial

wastewater to Fox Hollow Run. Facility is located at City of Williamsport, **Lycoming County**.

WQM Permit No. 49842910A1. Industrial waste. **Furman Foods Inc.**, R. D. 2, Northumberland, PA 17857. Permit amendments to replace Lagoon No. 2 with aeration tank and to construct a new sludge storage tank, the improvements are in preparation for the effluents limits contained in their current NPDES permit. Facility located at Point Township, **Northumberland County**.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 2599404. Sewage. **Millcreek Township Sewer Authority, Whispering Woods Estates, Phase I**, P. O. Box 8158, 3608 West 26th Street, Erie, PA 16505. This project is for the construction and operation of sewage treatment facilities in Millcreek Township, **Erie County**.

WQM Permit No. 6299406. Sewerage. **Todd Zimmerman, SRSTP**, 1071 Peterson Hollow Rd., Russell, PA 16345. Construction of Todd Zimmerman SRSTP located in Pine Grove Township, **Warren County**.

WQM Permit No. 4399409. Sewerage, **Donna Martin, SRSTP**, 353 Buckeye Dr., Sharpville, PA 16150

Construction of Donna Martin SRSTP located in Lackawannock Township, **Mercer County**.

NPDES Permit No. PA0220931. Sewage. **Butler Country Club**, P. O. Box 348, Butler, PA 16003, is authorized to discharge from a facility located in Penn Township, **Butler County** to an unnamed tributary to Thorn Creek.

NPDES Permit No. PA0100650—Amendment No. 1. Sewage. **Forrest Brooke Mobile Home Park**, 7266 West Market Street, Mercer, PA 16137, is authorized to discharge from a facility located in Lackawannock Township, **Mercer County** to an unnamed tributary to Magargee Run.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i> | <i>County and Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|---|---|---------------------------|
| PAS10S036-1 | ROMECC, INC Rt. 940, Box 99 Pocono Lake, PA 18347 | Monroe Co. Stroud Twp. | Flagler Run & Wig Wam Run |
| PAS10S058 | Pocono Mountains Ind. Park 556 Main St. Stroudsburg, PA 18360 | Monroe Co. Coolbaugh Twp. | Red Run |
| PAS10U111 | Triple Net Investments VII, L.P. c/o J. G. Petrucci Co., Inc. 171 Rt. 173, Suite 201 Asbury, NJ 08802 | Northampton Co. Bethlehem Twp. | Monocacy Cr. |
| PAS10U107 | Stuart W. Schooley Recreational Concept Development Corp. 4733 Hanoverville Rd. Bethlehem, PA 18020 | Northampton Co. Lower Nazareth & Bethlehem Twps. | Monocacy Cr. |
| PAS10U110 | Mr. Petrucci Lehigh Valley Industrial Holding, L.P. Rt. 173, Suite 201 Asbury, NJ 08802 | Northampton Co. Forks Twp. | Bushkill Cr. |

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or
other General Permit Type*

| | |
|-------|---|
| PAG-1 | General Permit For Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit For Discharges of Stormwater Construction Activities |
| PAG-3 | General Permit For Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit For Discharges From Single Residence Sewage Treatment Plant |
| PAG-5 | General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems |
| PAG-7 | General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application |
| PAG-8 | General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-9 | General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site |

General Permit Type—PAG-2

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

| | | | | |
|---------------------------------------|-----------|---|---|--|
| Butler County Adams Township | PAR10E106 | John Quincy Adams 5895 Heckert Road Bakerstown, PA 15007 | Unnamed Tributary to Breakneck Creek | Butler Conservation Dist. 122 McCune Drive Butler, PA 16001-65001 724-284-5270 |
| Butler County Butler Township | PAR10E108 | Sugar Creek Plan of Lots 9640 Babcock Blvd. Allison Park, PA 15101 | Unnamed Tributary to Thorn Creek | Butler Conservation Dist. 122 McCune Drive Butler, PA 16001-65001 724-284-5270 |
| Butler County Worth Township | PAR10E111 | Pheasant Ridge Housing Plan 410 New Castle Road Slippery Rock, PA 16057 | Wolf Creek | Butler Conservation Dist. 122 McCune Drive Butler, PA 16001-65001 724-284-5270 |
| Elk County Ridgway Township | PAR102518 | Ridgway Industrial Dev. Corp. P. O. Box 427 Ridgway, PA 15853 | Gallagher Run | Elk Conservation District Elk County Courthouse P. O. Box 448 Ridgway, PA 15853 814-776-5373 |
| Erie County Fairview Township | PAR10K125 | Greater Erie Industrial Development Corporation 2103 East 33rd Street Erie, PA 16510 | Brandy Run | Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 814-796-4203 |
| Lackawanna County Olyphant Borough | PAR10N084 | Ray DeGillio P. O. Box 114 Ransom, PA 18653 | Eddy Cr. | Lackawanna CD 570-281-9495 |
| Centre County Potter Township | PAR10F088 | Neff Country Estates Louise and Russell Neff RR 1, Box 301 Centre Hall, PA 16828 | Unt. Sinking Creek | Centre County CD |

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|---|---|
| Centre County Potter Township | PAR10F094 | Shaner Sports Complex State College Baseball Club 215 South Atherton St. State College, PA 16803 | Unt. Spring Creek and Cedar Run | Centre County CD |
| East St. Clair Township West St. Clair Township Bedford County | PAR-10-0442 | Larry Fischer Chestnut Ridge Area Joint Municipal Authority R.D. 1, Box A320 New Paris, PA 15554 | Tributaries to Dunning Creek, Stone Creek, Adams Run and Barefoot Run | Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 |
| Bedford Township Bedford County | PAR-10-0443 | W. E. Campbell Builders, Inc. Unit #13 764 Plaza Duncansville, PA 16635 | Raystown Branch Juniata River | Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 |
| Spring Township Berks County | PAR-10-C276 | Martin Farm Subdivision Phase 4 a/k/a Oak Meadows Apartments c/o Metropolitan MGM Group Inc. 502 Walnut Street Reading, PA 19601 | Cacoosing Creek | Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 610-372-4657 |
| York Township York County | PAR-10-Y388 | Orchard Ridge Hantz Enterprises 188 Tyler Run Road York, PA 17403 | Unt. to Codorus Creek | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |
| Windsor Township York County | PAR-10-Y344-1 | Village of White Landing East Timothy F. Pasch 2215 East Market Street York, PA 17403 | Beaver Creek | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |
| East Manchester Township York County | PAR-10-Y386 | Orchard Business Lot 1G Tim Kinsley/Kinsley Construction Inc. 2700 Water Street York, PA 17403 | Unt. to Little Conewago Creek | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |
| Hanover Borough York County | PAR-10-Y385 | Wal Mart Jeffrey Doss Wal Mart Realty 200 S E 10th Street Bentonville, AR 72712-6489 | Unt. to South Branch of Conewago | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |
| West Manheim Township York County | PAR-10-Y308-1 | Gary A. Gregory 71 Pumping Station Road Hanover, PA 17331 | Unt. to Indian Run | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |
| Penn Township York County | PAR-10-Y395 | Keystone Construction Inc. Jerry Watson 30 Marianne Drive York, PA 17402 | Gitts Run | York County CD 118 Pleasant Acres Rd. York, PA 17402 717-840-7430 |

General Permit Type—PAG-3

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|--|--|--|
| Montgomery County Upper Merion Township | PAR210025 | Allan A. Myers d/b/a Independence Construction Materials 240 East DeKalb Pike Bridgeport, PA 19405 | Unnamed Tributary to Schuylkill River | Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Chester County South Coatesville Borough | PAR230069 | Air Liquide America Corporation 12800 West Little York Houston, TX 77041 | Unnamed Tributary to West Branch Brandywine Creek | Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Delaware County Eddystone Borough | PAR310001 | Baker Petrolite Corporation—Client ID No. 131734 P. O. Box 5050 Sugarland, TX 77487-5050 | Delaware River | Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130 |
| Lycoming County Muncy Township | PAR114813 | The Young Industries, Inc. P. O. Box 30 Muncy, PA 17756 | West Br. Susquehanna | Northcentral 208 W. Third St. Williamsport, PA 17701 717-327-3664 |
| Centre County Boggs Township | PAR804850 | Davidson Brothers, Inc. 450 Runville Rd. Bellefonte, PA 16823 | Wallace Run | Northcentral 208 W. Third St. Williamsport, PA 17701 717-327-3664 |

General Permit Type—PAG-4

| <i>Facility Location County and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Stream or Body of Water</i> | <i>Contact Office and Telephone No.</i> |
|--|-------------------|---|--|---|
| Waterford Township Erie County | PAG048592 | Thomas A. and Karen D. Platz 12704 Smedley Rd. Waterford, PA 16441 | Unnamed Tributary to French Creek | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814/332-6942 |
| Pine Grove Township Warren County | PAG048595 | Todd Zimmerman 1071 Peterson Hollow Rd. Russell, PA 16345 | Valentin Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814/332-6942 |
| Lackawannock Township Mercer County | PAG048593 | Donna Martin 353 Buckeye Dr. Sharpsville, PA 16150 | Unnamed Tributary Harthegig Run | Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814/332-6942 |

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Greenfield Township
Erie County

PAG048588

Jean M. Bridgham
9636 Donlin Rd.
Erie, PA 16510

Unnamed
Tributary
to Six Mile Creek

Northwest Region
Water Management
230 Chestnut St.
Meadville, PA
16335-3481
814/332-6942

General Permit Type—PAG-8

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

North Woodbury
Township
Blair County

PAG-08-3534

Martinsburg WWTP
P. O. Box 307
133 East Allegheny Street
Martinsburg, PA
16662-0307

N/A

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Lititz Borough
Warwick Township
Lancaster County

PAG-08-3535

Lititz WWTP
50 Lititz Run Road
Lititz, PA 17543

N/A

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Smithfield Township
Huntingdon County

PAG-08-3536

Huntingdon WWTP
Borough of Huntingdon
530 Washington Street
P. O. Box 592
Huntingdon, PA 16652

N/A

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Mount Joy Township
Adams County

PAG-08-3537

White Run Municipal
Authority
2001 Baltimore Pike
Gettysburg, PA 17325

N/A

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Union Township
Lebanon County

PAG-08-3531

Northern Lebanon County
Auth.
P. O. Box 434
Jonestown, PA 17038

Howard Custer
Farm
Union Township
Lebanon County

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

General Permit Type—PAG-9

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Land Application
Site*

*Contact Office and
Telephone No.*

Maxatawny Township
Long Swamp Township
Berks County

PAG-09-3517

Fischer's Sanitary Service
482 East Main Street
Kutztown, PA 19530

Ruben Nolt Farm
Berks County

SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

Permit No. 1599503. Public water supply. **Citizen Utilities Water Company of Pennsylvania,** 4 Wellington Boulevard, Wyomissing Hills, PA 19610. A permit has been issued to the Citizens Utilities Water Company of Pennsylvania for the construction of the East

Vincent Booster Pump Station that will serve Centre Creek East and West Subdivisions in East Vincent Township, **Chester County.**

Type of Facility: Public Water Supply System

Consulting Engineer: Bursich Associates, Inc., 2129 East High Street, Pottstown, PA 19464

Permit to Construct Issued: May 26, 1999

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 4988503-T1. The Department transferred a permit for operation of existing iron and manganese treatment and aeration for well No. 1 from **KEO Homes Inc. to Start Properties II, LLC**, 1015 Cedar Knoll, P. O. Box 116, Gradysville, PA 19039, Spring Lake Village Mobile Home Park, Delaware Township, **Northumberland County**.

Permit No. 4988504-T1. The Department transferred a permit for operation of existing water system, including well No. 1, corrosion control, aeration, chlorination, distribution and finished water storage from **KEO Homes Inc. to Start Properties II, LLC**, 1015 Cedar Knoll, P. O. Box 116, Gradysville, PA 19039, Spring Lake Village Mobile Home Park, Delaware Township, **Northumberland County**.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Notice of Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department) under the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1304) (HSCA) has entered into a settlement with the Borough of Sellersville (Borough) for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Sellersville Inactive Landfill Site (site). This site is located in the Borough of Sellersville, between Ninth and Twelfth Streets along Old Route 309 in Bucks County, PA.

It was used between the late 1930s and the 1970s as an unpermitted and unauthorized dump for residual and hazardous wastes. Radioactive and nonradioactive wastes contaminated the site. Onsite radiation levels were as high as 100 times normal background levels. Additionally, hazardous levels of lead, tetrachloroethylene and trichloroethylene in excess of residential Statewide health standards set forth in the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908) (Act 2) were found on the site. The Department's interim response at the site included the removal of low-level and high level radioactive soil and removal of lead-contaminated soil to permitted facilities.

The Department has determined that the Borough contributed minimal amounts of hazardous substances to the site and that the toxic or hazardous effects of these hazardous substances were minimal. Therefore, the hazardous substances contributed to the site by the Borough have caused the Department to incur only a minor portion of the response costs at the site. Thus, the Borough and the Department have entered into a de minimis settlement agreement, under section 122(g) of CERCLA, 42 U.S.C.A. § 9622(g), and section 707 of HSCA (35 P.S. § 6020.707) in which the Borough has agreed to pay \$9,000 to reimburse the Department for the Borough's share of the Department's response costs incurred to remediate the site.

This notice is provided under section 1113 of HSCA (35 P.S. § 6020.1113) which provides that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the settlement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 by contacting either Timothy Cherry, at (610)

832-6204 or Gina M. Thomas, at (610) 832-6300. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Timothy Cherry at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a plan or report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Duferio Farrell Corp., City of Farrell, **Mercer County**, submitted a Baseline Remedial Investigation Work Plan to the Department on March 4, 1999. The

work is to be conducted on a portion of the former Caparo Steel Company property located in the City of Farrell, **Mercer County, PA.**

The Department approved the Work Plan on May 21, 1999.

Crawford County Development Corporation, City of Meadville, **Crawford County**, submitted a Baseline Remedial Investigation Work Plan to the Department on May 3, 1999. The work is to be conducted on the former Spauldings property located in the City of Meadville, **Crawford County, PA.**

The Department approved the Work Plan on May 21, 1999.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.

Barr Transportation Corp., 5900 Fisher Road, East Syracuse, NY 13057; License No. **PA-AH 0571**; renewal license issued May 19, 1999.

Cambridge Chemical Cleaning, Inc., 1250 West Elizabeth Avenue, Linden, NJ 07036; License No. **PA-AH 0356**; renewal license issued May 5, 1999.

Eco-Tron Transportation, Inc., 6947-A Promway Northwest, North Canton, OH 44720; License No. **PA-AH 0393**; renewal license issued May 19, 1999.

Ettss Inc., 199 Clyde Street, Ellwood City, PA 16117; License No. **PA-AH 0318**; renewal license issued May 14, 1999.

Fort Transfer Co., 225 South Maple, Morton, IL 61550; License No. **PA-AH 0357**; renewal license issued April 23, 1999.

Fred Heyrich, Inc., 3 Peckman Road, Little Falls, NJ 07424; License No. **PA-AH 0233**; renewal license issued May 18, 1999.

Gary Dyer Excavating & Tank Service, Inc., 2198 NY Route 26, Endicott, NY 13760; License No. **PA-AH S189**; renewal license issued April 27, 1999.

Lionetti Oil Recovery, Inc. dba Lorco, R.D. 1, Box 5-A, Old Bridge, NJ 08857; License No. **PA-AH 0567**; renewal license issued May 18, 1999.

Marcor Remediation, Inc., 246 Cockeysville Road, Hunt Valley, MD 21030; License No. **PA-AH 0568**; renewal license issued April 23, 1999.

Nappi Trucking Corporation, P.O. Box 510, Matawan, NJ 07747; License No. **PA-AH 0278**; renewal license issued May 19, 1999.

Security Environmental Technology, Inc., RR 9, Box 315, Latrobe, PA 15650; License No. **PA-AH 0436**; renewal license issued May 14, 1999.

Triad Transport, Inc., P.O. Box 818, McAlester, OK 74501; License No. **PA-AH 0392**; renewal license issued April 20, 1999.

Vanguard Research Industries, Inc., 239 St. Nicholas Avenue, South Plainfield, NJ 07080; License No. **PA-AH S130**; renewal license issued May 7, 1999.

Weavertown Transport Leasing, Inc., 206 Weavertown Road, Canonsburg, PA 15317; License No. **PA-AH 0263**; renewal license issued April 29, 1999.

Licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.

Horwith Trucks, Inc., P.O. Box 7, Northampton, PA 18067; License No. **PA-AH 0176**; license issued May 27, 1999.

Initial DSI Transports, Inc., P.O. Box 674421, Houston, TX 77267-4421; License No. **PA-AH 0619**; license issued May 5, 1999.

The Pennohio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004; License No. **PA-AH 0618**; license issued April 22, 1999.

Skowf, Inc., P.O. Box 12327, Columbia, SC 29211; License No. **PA-AH 0620**; license issued May 24, 1999.

Licenses expired under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.

Bacte-Nature, Inc., 654-A Mount Road, Aston, PA 19014; License No. **PA-AH 0545**; license expired on January 31, 1999.

Prillaman Chemical Corporation, P.O. Box 4024, Martinsville, VA 24112; License No. **PA-AH 0560**; license expired on April 30, 1999.

RESIDUAL WASTE PROCESSING FACILITIES

Determination of applicability under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and the residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit No. WMGR029. Determination of applicability. **International Petroleum Corporation**, 505 South Market Street, Wilmington, DE 18901. General Permit No. WMGR029D001 for the operation of transfer facilities for the processing of waste oil (including waste oil mixed with hazardous waste regulated under 25 Pa. Code § 261.5), spent antifreeze and waste oil/water mixtures prior to beneficial use. The Department determined that General Permit No. WMGR029 was applicable on June 4, 1999.

The following facilities are covered under General Permit No. WMGR029D001:

| Address | Municipality | County | Permit No. |
|---|--------------|----------|--------------|
| RR 1, Box 231, Bedford, PA 15522 | Bedford | Bedford | WMGR029D001A |
| Commerce Street, Chambersburg, PA 17201 | Chambersburg | Franklin | WMGR029D001B |

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit No. WMGR038-SC001. Determination of Applicability. **Penn Turf, Inc.**, R. R. 4, P. O. Box 624, Hollidaysburg, PA 16648 under Permit WMGR002, (State initiated tire permit) for the processing and beneficial use of waste tires and tire-derived materials. Determination of applicability was issued by Southcentral Regional office May 26, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 603387. William Replogle Farm, Altoona Area Authority (3172 Route 764, Duncansville, PA 16635-7800). This permit has been revoked at the request of the permittee for a site in Taylor Township, **Blair County**. Permit revoked in the Regional Office May 26, 1999.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Asepsis, Inc., 424 West Lincoln Highway, Suite 204, Pennel, PA 19047-5152; License No. **PA-HC 0014**; renewal license issued May 11, 1999.

Pennsylvania Hospital of the University of Pennsylvania Health System, 800 Spruce Street, Philadelphia, PA 19107-6192; License No. **PA-HC 0118**; renewal license issued April 21, 1999.

AIR QUALITY

OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

48-310-038GP: Highway Materials, Inc. (500 Stenton Road, Plymouth Meeting, PA 19462), for construction and operation of a portable stone crushing plant in Upper Nazareth Township, **Northampton County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

GP3-06-3105: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), for a general permit for a portable nonmetallic crushing plant at the Birdsboro Quarry in Robeson Township, **Berks County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

GP4-55-01: Lozier Corp. (P. O. Box 19999, Omaha, NE 68119-0999), on May 21, 1999, to construct and operate a burnoff oven under the General Plan Approval and General Operating Permit for burn off ovens (BAQ-GPA/GP-4) in McClure Borough, **Snyder County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-303-009A: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034), issued June 3, 1999, for a batch asphalt plant and fabric collector at the Kutztown Blacktop Plant in Maxatawny Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart I, Standards of Performance for New Stationary Sources.

38-318-020A: Alcoa Inc. (3000 State Drive, Lebanon, PA 17042), issued May 28, 1999, for a No. 92 aluminum foil/coil coating line top and bottom controlled by a catalytic incinerator in South Lebanon Township, **Lebanon County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-302-040: Taylor Packing Co., Inc. (P. O. Box 188, Wyalusing, PA 18853), on May 5, 1999, for operation of a 40.4 million BTU per hour natural gas/No. 2 fuel oil-fired boiler equipped with a low NOx burner in Wyalusing Township, **Bradford County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

08-317-003A: Taylor By-Products, Inc. (P. O. Box 849, Wyalusing, PA 18853), on May 5, 1999, for operation of a natural gas No. 6 fuel oil-fired boiler in Wyalusing Township, **Bradford County**.

18-399-013A: Champion Parts Inc., Northeast Division (279 Industrial Park Road, Beech Creek, PA 16822), on May 11, 1999, for operation of 14 carburetor test stands and associated air cleaning devices (demisters) in Beech Creek Township, **Clinton County**.

08-313-004H: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504), on May 20,

1999, for operation of a chemical reactor (CTL-4) and associated air cleaning device (a packed bed scrubber) in Towanda Borough, **Bradford County**.

08-399-019C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504), on May 20, 1999, for operation of a chemical reactor (cobalt recovery) and associated air cleaning devices (a condenser and packed bed scrubber) in Towanda Borough, **Bradford County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-25-069A: Engelhard Corp. (1729 East Avenue, Erie, PA 16503), issued May 30, 1999, for blender No. 3 loader in Erie, **Erie County**.

Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

14-313-021C: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801), on May 25, 1999, for installation of a condenser on a chemical process vessel (pervaporator tank T0207) in College Township, **Centre County**.

08-313-042C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504), on June 1, 1999, to allow the removal of a precleaner from an air pollution control system used for control of three plasma reactors in North Towanda Township, **Bradford County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

SMOP-41-00021: Columbia Petroleum Corp. (P. O. Box 278, Richland, PA 17087-0278), on June 3, 1999, for storage and distribution of petroleum products in Armstrong Township, **Lycoming County**. The facility previously owned and operated by Carlos R. Leffler, Inc.

Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

59-304-008B: ACP Mfg. Co. LLC (P. O. Box 9, Blossburg, PA 16912-0068), on May 26, 1999, for operation of two casting grinders, a Tumblast machine and associated air cleaning device (a fabric collector) and operation of an annealing oven all previously operated by Ward Mfg., Inc. in Lawrence Township, **Tioga County**.

PLAN APPROVALS

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-316-013A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848), on June 2, 1999, to extend a deadline for performance of stack testing on a hardboard press in Wysox Township, **Bradford County**.

08-302-041: Cummings Lumber Co., Inc. (P. O. Box 6, Troy, PA 16947), on June 2, 1999, to authorize the installation of a second stage multicclone collector on a wood-fired boiler and rescind a stack test requirement in Troy Township, **Bradford County**.

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-46-0026A: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456), issued June 1, 1999, for operation of a flexographic printing press in Upper Providence Township, **Montgomery County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

39-318-098A: Victaulic Co. of America (P. O. Box 31, Easton, PA 18044), issued May 20, 1999, for modification of a paint spray operation in Allentown, **Lehigh County**.

48-399-043: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042), issued May 20, 1999, for construction of an iron oxide apron dryer in Easton, **Northampton County**.

54-313-073B: Air Products and Chemical Co. (P. O. Box 351, Tamaqua, PA 18252), issued May 25, 1999, for modification of the NF3 production plant at the facility in Rush Township, **Schuylkill County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-03074A: Super Service Painting & Sandblasting (630F East Lincoln Avenue, Myerstown, PA 17067), issued June 3, 1999, for construction of a sandblasting operation controlled by a fabric collector in Bethel Township, **Berks County**.

06-5029A: Reading Body Works, Inc. (P. O. Box 650, Reading, PA 19607-0650), issued June 4, 1999, for construction of a stakebody booth and an e-coat booth at the Reading Plant in Reading, **Berks County**.

36-03094: Snively's Mill Inc. (333 Snively Mill Road, Lititz, PA 17543), issued June 3, 1999, for installation of a wheat receiving operation and hammermill operations controlled by respective Alamco Baghouses in Warwick Township, **Lancaster County**.

36-05019C: Grinnell Corp. (1411 Lancaster Avenue, Lancaster, PA 17512), issued June 7, 1999, for construc-

tion of a fabric collector and modifications to the South Melt Deck at the Columbia Plant in Columbia Borough, **Lancaster County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

41-305-011: Fisher Mining Co. (P. O. Box 374, Montoursville, PA 17754), on May 4, 1999, for construction of a coal preparation plant in Pine Township, **Lycoming County**. This plant is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

19-310-002C: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231), on May 17, 1999, for installation of an air cleaning device (a fabric collector) on a stone crusher in Hemlock Township, **Columbia County**. The crusher is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

TVOP-47-0002A: Strick Corp. (R. R. 8, Box 281, Danville, PA 17821-8386), on May 17, 1999, for construction of a shot/grit blasting operation and associated air cleaning device (a cartridge collector) at the Danville Plant in Limestone Township, **Montour County**.

08-399-047: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504), on May 18, 1999, for construction of two CVD (phosphor) coaters and associated air cleaning device (a catalytic oxidizer) in North Towanda Township, **Bradford County**.

08-303-006B: Dalrymple Gravel and Contracting Co., Inc. (2105 South Broadway, Pine City, NY 14871), on May 20, 1999, for installation of an air cleaning device (a fabric collector) on a drum mix asphalt concrete plant in Athens Township, **Bradford County**. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

08-301-016: Faithful Companions Pet Cemetery, Inc. (RR 2, Box 210, Ulster, PA 18850-9645), on May 25, 1999, for construction of an animal crematory incinerator in Smithfield Township, **Bradford County**.

08-399-039B: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504), on May 25, 1999, for installation of an air cleaning device (a fabric collector) on a tungsten and molybdenum ingot forming press in North Towanda Township, **Bradford County**.

08-317-003B: Taylor By-Products, Inc. (P. O. Box 849, Wyalusing, PA 18853), on May 26, 1999, for construction of a crax cooler and associated air cleaning devices (a multiclone and packed dual bed scrubber) in Wyalusing Township, **Bradford County**.

59-304-008D: ACP Mfg. Co. LLC (P. O. Box 9, Blossburg, PA 16912-0068), on May 28, 1999, for construction of a core-making machine and associated air cleaning device (a packed bed scrubber) in Lawrence Township, **Tioga County**.

OP-53-0003B: CNG Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199), on May 28, 1999, for construction of a 26.5 million BTU per hour natural gas pipe line heater equipped with a low NOx burner at the Greenlick Compressor Station in Stewardson Township, **Potter County**. This heater is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-65-793A: Coreco Metal Separator System (R. D. 2, Box 374A, Route 286, Saltsburg, PA 15681), issued June 1, 1999, for installation of aluminum melting furnace at Coreco Metal Separator System in Bell Township, **Westmoreland County**.

PA-04-446B: Beaver Valley, Inc. (395 Frankfort Road, Monaca, PA 15061), issued June 1, 1999, for operation of three cogeneration units at Beaver Valley Cogeneration in Potter Township, **Beaver County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-16-134A: Car Mate Trailers, Inc. (Route 66, Leeper, PA 16233), on June 1, 1999, for modification of the existing surface coating line in Farmington Township, **Clarion County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-322-007: Waste Management Disposal Serv. of PA (1425 Sell Road, Pottstown, PA 19464), issued May 26, 1999, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

PA-09-0030: MSC Pre Finish Metals, Inc. (120 Enterprise Avenue, Morrisville, PA 19067), issued June 2, 1999, for a replacement thermal oxidizer in Falls Township, **Bucks County**.

PA-23-0067: Alloy Surfaces Co., Inc. (121 North Commerce Drive, Aston, PA 19014), issued June 3, 1999, for operation of a caustic metal treatment process in Chester Township, **Delaware County**.

PA-15-0013: Graphic Packaging Corp. (Tredyffrin, PA 19312), issued June 3, 1999, for operation of a flexographic printing press in Tredyffrin Township, **Chester County**.

PA-15-0002A: Quebecor Printing Atglen, Inc. (Route 372, Lower Valley Road, Atglen, PA 19310), issued June 3, 1999, for operation of a publication rotogravure press in West Sadsbury Township, **Chester County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-313-030E: Warner-Lambert Company (400 West Lincoln Avenue, Lititz, PA 17543), on February 15, 1999, to authorize temporary operation of a pharmaceutical manufacturing facility covered under this Plan Approval until June 14, 1999, in Lititz Borough, **Lancaster County**.

38-02002: Alcoa Inc. (3000 State Drive, Lebanon, PA 17042), on March 19, 1999, to authorize temporary operation of a secondary aluminum production facility covered under this Plan Approval until July 17, 1999, in South Lebanon Township, **Lebanon County**.

38-313-020A: Lebanon Chemical Corp. (P. O. Box 180, Lebanon, PA 17042), on June 5, 1999, to authorize temporary operation of a fertilizer drying system covered under this Plan Approval until October 2, 1999, in South Lebanon Township, **Lebanon County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

65-307-054B: Teledyne Inc. (P. O. Box 151, Latrobe, PA 15650), for installation of an EAF oxygen lance and Aod vessel at Teledyne Allvac in Derry Township, **Westmoreland County**.

PA-32-040A: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907), for installation of boiler 15 at Seward Station in East Wheatfield Township, **Indiana County**.

PA-63-002A: Twilight Industries (212 State Street, Belle Vernon, PA 15012), for installation of coal staging/processing at I-70 Surface Mine in Somerset Township, **Washington County**.

26-305-034: Matt Canestrale Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012), for installation of loading/unloading/stockpiling at LaBelle Site in Luzerne Township, **Fayette County**.

PA-30-120A: Robena L.L.C. (1145 E. South Union Avenue, Suite 100, Midvale, UT 84047), for installation of coal agglomeration at Alicia Facility in Monongahela Township, **Greene County**.

PA-04-504A: Mitsui/ZCA Powders Company (300 Frankfort Road, Monaca, PA 15061), for installation of high purity zinc powder plant at ZCA Monaca in Potter Township, **Beaver County**.

PA-63-004A: Molycorp, Inc. (300 Caldwell Avenue, Washington, PA 15301), for installation of molybdenum roasters at Washington Plant in Canton Township, **Washington County**.

26-310-018: Pioneer Mid-Atlantic, Inc. (400 Industrial Blvd., New Kensington, PA 15068), for installation of limestone crushing at Connellsville II Quarry in Bullskin Township, **Fayette County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-399-018: Resolite, A United Dominion Co. (Route 19 North, Zelienople, PA 16063), issued April 30, 1999, for a fiberglass pultrusion process in Jackson Township, **Butler County**.

PA-24-123A: Superior Greentree Landfill, Inc. (635 Toby Road, Kersey, PA 15846), issued May 31, 1999, for a landfill gas management system in Fox Township, **Elk County**.

16-399-008: Peoples Natural Gas Co., Truittsburg Station (LR 16102, Clarion, PA 16214), issued May 30, 1999, for natural gas engines in Redbank Township, **Clarion County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits

issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Permits Issued

56753090. Permit Renewal for reclamation only, **Croner, Inc.** (P. O. Box 157, Berlin, PA 15530), for continued restoration of a bituminous-auger strip mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 280.1 acres, receiving streams unnamed tributaries to Blue Lick Creek. Application received May 28, 1999; issued June 1, 1999.

32930107. Permit Renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771), for continued operation and restoration of bituminous strip mine in Grant Township, **Indiana County**, affecting 93.3 acres, receiving stream unnamed tributaries to and East Run. Application received April 6, 1999; issued June 3, 1999.

56813081. Permit Renewal for reclamation only, **American Mining Company** (R. D. 3, Rockwood, PA 15557), for continued restoration of a bituminous-auger mine in Black Township, **Somerset County**, affecting 88.4 acres, receiving stream Wilson Creek, tributary to Coxes Creek. Application received June 3, 1999; issued June 3, 1999.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65980104. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 329.1 acres. Receiving streams: unnamed tributary to Miller Run, to Loyalhanna Creek, to Conemaugh River. Application received: November 16, 1998. Permit issued: June 2, 1999.

63860104. PennBalt, Inc. (P. O. Box 287, Joffre, PA 15053-0287). Permit revised to change the land use from forestland to pastureland at a bituminous surface mine located in Smith Township, **Washington County**, affecting 57 acres. Receiving streams: unnamed tributary to Raccoon Creek to the Ohio River. Application received: January 27, 1999. Revision issued: June 2, 1999.

03940104. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in South Bend Township, **Armstrong County**, affecting 19.3 acres. Receiving streams: Craig Run to Crooked Creek. Application received: March 25, 1999. Renewal issued: June 8, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17960121. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), major revision to an existing bituminous surface mine-auger permit to add mining of the Upper Kittanning Coal Seam on a 297.5 acre permit on Chest and Ferguson Townships, **Clearfield County**. Receiving streams: unnamed tributary to Wilson Run and McMasters Run. Application received December 16, 1998. Permit issued May 21, 1999.

17930127. Jerry C. Bowman Coal Company (611 Spring Street, Houtzdale, PA 16651), renewal of an existing bituminous surface mine permit in Woodward Township, **Clearfield County** affecting 186.2 acres. Receiving streams: unnamed tributary to Moshannon Creek, unnamed tributary to Whiteside Run, Whiteside Run, Moshannon Creek to the West Branch Susquehanna River. Application received February 19, 1999. Permit issued May 17, 1999.

17830117. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), transfer from Northern Counties Coal Co., Inc. and renewal of an existing bituminous surface mine permit in Chest Township, **Clearfield County** affecting 202 acres. Receiving streams: unnamed tributary to Chest Creek to West Branch Susquehanna River. Application received February 1, 1999. Permit issued May 11, 1999.

17980113. Beth Contracting, Inc. (R. R. 1, Box 208-C, Glen Campbell, PA 15742), commencement, operation and restoration of a bituminous surface mine permit in Gulich Township, **Clearfield County** affecting 90.1 acres. Receiving streams: unnamed tributary to Little Muddy Run to Little Muddy Run to Muddy Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received June 12, 1998. Permit issued May 17, 1999.

17980119. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 26 acres. Receiving streams: unnamed tributary to Campbell Run to Gazzam Run to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received August 27, 1998. Permit issued June 2, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

32891701. Bellaire Corp., Eastern Division (Box 429, Seward, PA 15954), to renew the permit for the Hutchison Hollow Treatment Plant in East Wheatfield Township, **Indiana County**, no additional discharges. Permit issued May 24, 1999.

14831301. Pennsylvania Mines Corp. (P. O. Box 367, Ebensburg, PA 15931), to revise the permit for the Rushton Mine in Rush Township, **Centre County**, revision to add three sludge boreholes, no additional discharges. Permit issued May 26, 1999.

2911601. Sprankle Mills Tipple (P. O. Box 343, Punxsutawney, PA 15767-0343), to renew the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County**, no additional discharges. Permit issued May 26, 1999.

03841305. Keystone Coal Mining Corp. (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Emilie No. 1 and No. 2 Mines in Plumcreek Township, **Armstrong County**, no additional discharges. Permit issued May 27, 1999.

63981301. Consolidation Coal Company (R. D. 4, Box 425, Moundsville, WV 26041), to operate the Shoemaker Mine in West Finley Township, **Washington County**, new mine, 1A-8 north bleeder airshaft in Pennsylvania from Shoemaker Mine in Ohio, Enlow Fork of Wheeling Creek. Permit issued May 27, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Small Noncoal (Industrial Mineral) Permits Issued

08990802. Donald F. Brewer (Box 264, Meshoppen, PA 18630), commencement, operation and restoration of a small industrial minerals (flagstone) permit in Wyalusing Township, **Bradford County** affecting 1 acre. Receiving stream: unnamed tributary to Billings Creek. Application received March 17, 1999. Permit issued May 10, 1999.

53980802. Gary R. Fessenden (Main Street, P. O. Box 271, Roulette, PA 16746), commencement, operation and restoration of a small industrial minerals (rock) permit in Roulette Township, **Potter County** affecting 2 acres. Receiving streams: unnamed tributary to Allegheny River. Application received November 9, 1998. Permit issued May 17, 1999.

53990801. Thomas L. Kisiel (P. O. Box 126, Coudersport, PA 16915), commencement, operation and restoration of a small industrial minerals (topsoil, sand, gravel) permit in Roulette Township, **Potter County** affecting 1 acre. Receiving stream: Allegheny River. Application received January 12, 1999. Permit issued May 17, 1999.

41990801. Harry C. Grimes (R. R. 5, Heshbon Road, Williamsport, PA 17701), commencement, operation and restoration of a small industrial minerals (topsoil) permit in Loyalsock Township, **Lycoming County** affecting 1 acre. Receiving streams: Lycoming Creek, tributary to West Branch Susquehanna River. Application received March 31, 1999. Permit issued May 17, 1999.

53990803. Robert C. Paul (P. O. Box 64, Galeton, PA 16922), commencement, operation and restoration of a small industrial minerals (bluestone) permit in West Branch Township, **Potter County** affecting 1 acre. Receiving streams: unnamed tributary to South Branch of Pine Creek. Application received March 9, 1999. Permit issued June 1, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

52870301T. Koss, Inc. (P. O. Box 11, Greentown, PA 18426), transfer of an existing quarry operation in Greene Township, **Pike County** affecting 8.5 acres, receiving stream—none. Transfer issued June 2, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this

action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E21-285. Encroachment. **Hampden Township Sewer Authority**, 230 South Sporting Hill Rd., Mechanicsburg, PA 17055. To construct and maintain an outfall diffuser with six discharge ports in the streambed of Conodoguinet Creek (WWF) located near its confluence with Sears Run (Harrisburg West, PA Quadrangle N: 1.1 inches; W: 12.8 inches) in Hampden Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-289. Encroachment. **Mechanicsburg Sportmen's Association**, Charles Kemberling, P. O. Box 2303, Mechanicsburg, PA 17055. To remove the existing trout nursery, to fill in 0.04 acre of wetland and to realign approximately 127 feet of channel of the Trindle Spring Run to construct and maintain a new 10-foot width by 125-foot long trout nursery located about 2,100 feet south of the PA 641 Trindle Road and Sinclair Street crossing (Mechanicsburg, PA Quadrangle N: 13.85 inches; W: 4.43 inches) in Monroe Township, **Cumberland County**. The permittee is not required to mitigate the disturbed amount of wetland because it is de minimis. This permit also includes 401 Water Quality Certification.

E67-658. Encroachment. **Forrest Altland**, 2311 Log Cabin Road, York, PA 17404. To maintain approximately 400 linear feet of wooden fence within the floodway of the Little Conewago Creek on private property located north of Log Cabin Road near its intersection with Windcrest Road (West York, PA Quadrangle N: 18.6 inches; W: 8.1 inches) in West Manchester Township, **York County**. This permit was issued under section 105.13(e) "Small Projects."

E67-661. Encroachment. **James L. Mulay**, 2200 Nena Drive, York, PA 17404. To remove the existing buildings and to construct and maintain a 3,540 square foot building in the floodway of the Little Conewago Creek (CH-93 TSF) for the purpose of building a car wash facility located on SR 0074 at the intersection of Pine Road (T-505) (West York, PA Quadrangle N: 19.0 inches; W: 8.0 inches) in Dover Township, **York County**. This permit was issued under section 105.13(e) "Small Projects."

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-513. Encroachment. **Howard L. and Dolores J. Piatt**, c/o Deborah Kinney, R. R. 1, Box 264, Hunlock Creek, PA 18621. To maintain a single-span bridge across Pikes Creek, and to excavate within the floodway, including removal of a stone wall, along approximately 300 linear feet of the left bank to provide additional overbank flow area. The bridge has a span of approximately 34 feet and an underclearance of approximately 5 feet, and is located on the east side of S. R. 0029, approximately 0.5 mile north of the intersection of S. R. 0029 and S. R. 0118 (Harveys Lake, PA Quadrangle N: 11.5 inches; W: 13.3 inches), in Lake Township, **Luzerne County**.

E40-516. Encroachment. **Gregory A. Renninger**, 2656 Old Berwick Road, Bloomsburg, PA 17815. To place fill in the floodway of the Susquehanna River for the purpose of constructing a motocross track including periodic jumps varying from approximately 2 to 9 feet in height. The project includes modification of an existing 26-foot by 48-foot building to add an 8-foot by 16-foot deck and an awning. The project is located along Flats Road (T-573) (Wilkes-Barre West, PA Quadrangle N: 19.2 inches; W: 11.8 inches), in Plymouth Township, **Luzerne County**.

E45-343. Encroachment. **Pocono Mountains Industrial Park Authority**, 556 Main Street, Stroudsburg, PA 18360. To place fill in 0.20 acre of wetlands on Lot 4 for construction of a light industrial facility and associated parking areas (Tobyhanna, PA Quadrangle N: 0.20 inch; W: 1.75 inches) and in 0.38 acre of wetlands on Lot 24 for construction of a warehouse/distribution facility and associated parking areas (Tobyhanna, PA Quadrangle N: 1.00 inch; W: 0.75 inch). The total proposed wetland encroachment will be approximately 0.58 acre. The projects are located in Pocono Mountains Industrial Park, between S. R. 0380 and S. R. 0611, approximately 0.5 mile north of S. R. 0940 in Coolbaugh Township, **Monroe County**. The permittee is required to provide 0.58 acre of replacement wetlands.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E08-339. Encroachment. **Sun Pipe Line Company**, P. O. Box 2086, Sinking Spring, PA 19608-0086. To repair and maintain 25 feet of an 8 inch high pressure petroleum pipeline encased in a 12 inch casing, to stabilize 60 feet upstream and 25 feet downstream of the stream bank with gabion baskets, and to place 75 cubic yards of fill encapsulated in a geotextile liner with rip rap protection on the entire surface behind a gabion basket retaining wall secured by no. 6 rebar drilled and grouted into the bedrock upstream of the pipeline in an unnamed tributary of Towanda Creek located 1,000 ft. west from the intersection of Route 14 and T-307 (Prestons Road) (Ralston Quadrangle, N: 22 inches; W: .1 inch) in Canton Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-443. Encroachment. **Howard Dale Stewart and Helen S. Stewart**, 326 Quaker State Road, Montoursville, PA 17754. To construct and maintain a pole barn, 28 feet by 40 feet, in the floodway of an unnamed tributary to Mill Creek located off Quaker State Road approximately 0.3 mile east of Route 87

(Montoursville North, PA Quadrangle N: 5.1 inches; W: 3.8 inches) in Fairfield Township, **Lycoming County**. This permit was issued under § 105.13(e) "Small Projects."

Permits Issued and Actions on 401 Certification

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WL3399601. Encroachment. **Chris A. Forsha, VAPCO Engineering**, P. O. Box 327, Punxsutawney, PA 15767. Waiver of permit requirements under section 105.12(a)(11) to remove an abandoned two-story frame garage and stabilize the area within the delineated 100-year floodway of Mahoning Creek at the McKabe Funeral Home (formerly the Wainwright Property) on Maple Avenue located in Punxsutawney Borough, **Jefferson County**.

[Pa.B. Doc. No. 99-972. Filed for public inspection June 18, 1999, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Guidance

DEP ID: 391-2000-021 Title: Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Design Hardness Description: The purpose of this guidance is to provide the procedures recommended or used by the Department for field data collec-

tion and evaluation of stream and point source discharge design hardness. Effective Date: June 19, 1999 Contact: Chuck Yingling at (717) 787-9633.

DEP ID: 391-2000-022 Title: Implementation Guidelines for the Determination and use of Background/Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations for Toxic Substances Description: The purpose of this guidance is to provide the procedures recommended or used by the Department for field data collection and evaluation of the data. The procedures are not mandatory. The Department will consider the use of alternative procedures which interested parties or dischargers believe are more appropriate than those presented in this document. Effective Date: June 19, 1999 Contact: Chuck Yingling at (717) 787-9633.

Draft Guidance

DEP ID: 250-3100-001 Title: Draft Guidance Document on Radioactivity Monitoring at Municipal and Residual Waste Processing and Disposal Facilities Description: The purpose of this guidance is to protect the environment and public health, safety and welfare from the possible dangers of radioactive material that is wrongly delivered to municipal and residential waste processing and disposal facilities.

This guidance provides operators of municipal and residual waste processing and disposal facilities with guidance on how to monitor for radioactive materials in incoming loads of waste and what steps to take in response to an alarm triggered by the monitoring. Some facilities will soon be required by regulation to monitor and inspect for radioactive materials. Facilities that are not required to monitor will be expected to follow this guidance document. Anticipated Effective Date: September 1, 1999 Comment period extended to June 30, 1999. Contact: William Kirk at (717) 787-3479.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-973. Filed for public inspection June 18, 1999, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board; Meeting Notice

The Cleanup Standards Scientific Advisory Board (CSSAB) has rescheduled its May meeting to June 18, 1999, at 9 a.m. The meeting will be held at 400 Market Street, Rachel Carson State Office Building, 14th Floor Conference Room.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to Wooding.Marilyn@a1.dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7509 or

through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-974. Filed for public inspection June 18, 1999, 9:00 a.m.]

Pennsylvania's Coastal Zone Management Program's Routine Program Changes

The Department of Environmental Protection (Department) is proposing several minor changes to Pennsylvania's Coastal Zone Management (CZM) Program. As required by 15 CFR 923.84, the CZM Program is providing public notice of these changes which have occurred in 1997. These changes involve:

- amendments to and renumbering of state regulations currently networked into the CZM Program's enforceable policies, and
- the minor expansion of one geographic area of particular concern,

Since these changes revise Pennsylvania's Federally approved CZM Program, the changes must also be approved by the Federal Office of Ocean and Coastal Resource Management (OCRM).

Pennsylvania has notified OCRM that the proposed changes are considered by the Commonwealth to be Routine Program Changes (RPC). An RPC is defined by Federal CZM Regulations at 15 CFR 923.84 as an action taken by a state to further detail the implementation of the state's CZM Program. Essentially, these changes are either clarifications, minor revisions or improvements, and do not substantially alter one or more of the following CZM Program areas:

- (1) Uses subject to management;
- (2) Special management areas;
- (3) Boundaries;
- (4) Authorities and organization; and
- (5) Coordination, public involvement and the national interest.

Therefore, Pennsylvania has requested OCRM to concur with this determination.

Copies of the proposed changes are available for review at the Erie County Department of Planning, and the Delaware Valley Regional Planning Commission. In Erie, please contact Brian Barnhizer, Erie County Courthouse, Erie, PA 16501, (814) 451-6336. In the Delaware Estuary Region, please contact Ben Ginsberg, 111 South Independence Mall, East—The Bourse Building, Eighth Floor, Philadelphia, PA 19106-2515, (215) 592-1800. Also, copies may be obtained by calling Larry Toth at the Coastal Zone Management Program at (717) 787-5259.

The RPC is available on the Department's Worldwide Web site (<http://www.dep.state.pa.us>). Select Subject/Water Management/Coastal Zones.

Interested parties can submit comments on whether these actions do or do not constitute an RPC. Comments must be submitted within 3 weeks from the date of this notice to Neil K. Christerson, Program Specialist; U.S. Department of Commerce; Coastal Programs Division,

OCRM, SSMC4, Room 11209 (N/ORM3); 1305 East-West Highway; Silver Spring, MD 20910.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-975. Filed for public inspection June 18, 1999, 9:00 a.m.]

Pennsylvania's Coastal Zone Management Program's Federal Consistency Review of Maintenance Dredging at Conneaut Harbor, Ohio

This public notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act (act). The Department of Environmental Protection, Coastal Zone Management (CZM) Program has received notice that the Buffalo District Corps of Engineers (Corps) intends to perform maintenance dredging of the shoaled portions of the authorized Federal navigation channels of Conneaut Harbor, located in Conneaut, Ohio. Dredging is tentatively scheduled to be performed between June 1 and September 1, 1999. The Federal navigation channels including the Municipal Pier Access Channel, Outer Harbor Channels, and Inner Harbor Channels, would be dredged to their respective authorized depth. Approximately 40,000 cubic yards of coarse grained material would be dredged from the western Outer Harbor and Municipal Pier Access Channel, and deposited at the littoral/beach nourishment site located just east of the Conneaut Harbor east breakwater, in Lake Erie. Although the littoral nourishment site is the preferred site for the deposition of dredged sands or coarse grain material, it would be used only if it is determined to be economically justifiable. If not, this dredged material would be discharged at the existing open-lake disposal site. Approximately 60,000 cubic yards of predominantly fine grain silts and clays would be dredged from the eastern Outer Harbor and Inner Harbor Channels and deposited at the approved open-lake disposal site. Sediments will be removed from the channel by a mechanical or hydraulic dredge and placed in hoppers aboard ship or scow for transport to the discharge site. The method of excavation will be determined by the contractor performing the maintenance dredging.

The Pennsylvania CZM Program has notified the Buffalo Corps that non-use of the littoral/beach nourishment site for the disposal of the 40,000 cubic yards of coarse grain dredge material will likely impact Pennsylvania's beach and bluff areas from the Ohio/Pennsylvania border east to Raccoon Creek (approximately 2 miles), and that the project is subject to review for consistency with the CZM Program's policies. Under the act, the public also has an opportunity to comment on this project's relationship with the goals and policies of Pennsylvania's CZM Program.

Persons wishing to comment on this project are invited to submit written comments within 15 days from the date of this notice to Shamus Malone, Department of Environmental Protection, Bureau of Watershed Conservation, Division of Watershed Support, Coastal Zone Management Section, P. O. Box 8555, Harrisburg PA 17105-8555, (717) 787-5259, Malone.Shamus@dep.state.pa.us. Additional information concerning this Federal development project may be received by contacting Shamus Malone.

TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-976. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

State Board of Vocational Rehabilitation; Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in Philadelphia, PA.

Location: Philadelphia OVR District Office
444 North 3rd Street, 5th Floor
Philadelphia, PA 19123

Date: June 22, 1999

Time: 1 p.m. to 3 p.m.

Individuals who require special arrangements (including a sign language interpreter), should call Nancy Dutchko at (717) 787-1112 or (800) 442-6351.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-977. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Public Notice of Intent to Make a Disproportionate Share Payment to Certain Qualifying Hospitals

The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (Department) intent to establish an additional class of disproportionate share payments for certain qualifying hospitals. This change is effective July 1, 1999.

The Department intends to make this payment, in addition to the classes of payment already made under the Medical Assistance (MA) Program, to certain hospitals which the Department has determined provide a high volume of services related to MA births.

The Department intends to consider a hospital eligible if:

(a) The hospital is enrolled as an acute care general hospital (provider type 11); and

(b) The hospital is located in a Federal Empowerment Zone; and

(c) In Calendar Year 1996, the hospital had more than 3,500 fee-for-service MA claims; and

(d) In Calendar Year 1996, more than 25% of the hospital's overall fee-for-service MA claims were related to MA births (specifically, DRGs 370 through 375 and 385 through 391).

The Department intends to allocate \$3.5 million from the State General Fund for this additional disproportionate share payment. Payments will be divided proportionally between qualifying hospitals based on the percentage of each qualifying hospital's fee-for-service MA births to total fee-for-service MA births of all qualifying facilities. All payment limitations are still applicable, namely, the Commonwealth may not exceed its aggregate annual disproportionate share allotment, and no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

Fiscal Impact

For Fiscal Year 1999-00, the fiscal impact as a result of the disproportionate share payment will be 7.6 million in total funds (\$3.5 million in State General funds and \$4.1 million in Federal funds).

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 15 days of this publication. These comments should be sent to the Department of Public Welfare, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require an alternate format should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-204. (1) General Fund; (2) Implementing Year 1998-99 is \$0; (3) 1st Succeeding Year 1999-00 is \$3.5 million; 2nd Succeeding Year 2000-01 is \$0; 3rd Succeeding Year 2001-02 is \$0; 4th Succeeding Year 2002-03 is \$0; 5th Succeeding Year 2003-04 is \$0; (4) 1997-98 New Program—\$428.079 million; 1996-97 New Program—\$436.941 million; 1995-96 New Program—\$452.180 million; (7) Medical Assistance—Inpatient; (8) recommends adoption. There will be funds available in the 1999-00 budget to cover the additional cost of this payment.

[Pa.B. Doc. No. 99-978. Filed for public inspection June 18, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 28 Pa.B. 6355 on December 26, 1998, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Cancellation

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the cancellation of the following station:

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, Pa. 17112 (Appointed: 06/23/81, Station S5).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 28 Pa.B. 6355 (December 26, 1998), 29 Pa.B. 379 (January 16, 1999) and 29 Pa.B. 1561 (March 20, 1999).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-979. Filed for public inspection June 18, 1999, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 113—East Deer Township, Allegheny County. This parcel contains approximately 0.16± Acres or 7,181± SF of land situated along the northwestern side of Bellview Street, between Callender and Barch Streets, Creighton, Pennsylvania.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Raymond S. Hack, District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-980. Filed for public inspection June 18, 1999, 9:00 a.m.]

Retention of Engineering Firms

Butler County

Project Reference No. 08430AG2364

The Department will retain an engineering firm, under a multi-phase specific project agreement, to provide preliminary engineering, environmental studies, final design and construction services for S.R. 3025, Section 230 (Seneca Missing Ramps) in Jackson Township, Butler County. The project is located at the I-79/S.R. 3025 Interchange and will provide for the upgrade of the existing ramps and the construction of the two (2) missing ramps. The estimated construction cost for this project is \$18 million.

The selected firm will be required to provide the following engineering and design services: field survey;

environmental clearance (environmental assessment); point of access study; public involvement; design field view; erosion and sedimentation control plans; highway and bridge plans, specifications and estimates.

Construction services will consist of shop drawing review and construction consultation.

Letters of Interest will be evaluated at the District 10-0 Office with emphasis on the following factors:

- a. Demonstrated ability to meet project schedules and control costs.
- b. Experience and competence of project manager and key personnel.
- c. Past performance and experience on similar projects.
- d. Method of controlling quality on project and submissions.
- e. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- f. Location of office to perform work.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
P. O. Box 429, Route 286 South
Indiana, PA 15701
Attention: Mr. Brian N. Allen, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Engineering District 10-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian N. Allen, P.E., at (724) 357-2842.

Butler County

Project Reference No. 08430AG2365

The Department will retain an engineering firm, under a multi-phase specific project agreement, to provide preliminary engineering and environmental studies for S. R. 228, Section 290 (Criders Corners East) in Adams, Cranberry and Middlesex Townships, Butler County. The project is located on S.R. 228 between S. R. 19 and S. R. 8 and will provide for the development of a multi-lane facility. The project is approximately 15 km in length and the estimated construction cost is \$25 million.

The selected firm will be required to provide the following engineering and design services: field survey;

environmental clearance (Environmental Impact Statement); traffic studies; public involvement; design field view; erosion and sedimentation control plan; type, size and location report; preliminary utility and right of way plans; and preliminary traffic control plans.

Letters of Interest will be evaluated at the District 10-0 Office with emphasis on the following factors:

- a. Demonstrated ability to meet project schedules and control costs.
- b. Experience and competence of project manager and key personnel.
- c. Past performance and experience on similar projects.
- d. Method of controlling quality on project and submissions.
- e. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- f. Location of office to perform work.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
P. O. Box 429, Route 286 South
Indiana, PA 15701
Attention: Mr. Brian N. Allen, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Engineering District 10-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian N. Allen, P.E., at (724) 357-2842.

Jefferson County

Project Reference No. 08430AG2366

The Department will retain an engineering firm, under a multi-phase specific project agreement, to provide preliminary engineering and environmental studies for S.R. 830, Section 590 (Airport Access Road) in Washington Township, Jefferson County. The project corridor is located between Interstate 80 and the Jefferson County Airport and will provide for the development of an improved access to the airport facility. The project is approximately 8 km in length and the estimated construction cost is \$22 million.

The selected firm will be required to provide the following engineering and design services: field survey;

alternative analysis; environmental clearance (Environmental Impact Statement); point of access study; traffic studies; public involvement; design field view; erosion and sedimentation control plan; type, size and location report; preliminary utility and right of way plans; and preliminary traffic control plans.

Letters of Interest will be evaluated at the District 10-0 Office with emphasis on the following factors:

- a. Demonstrated ability to meet project schedules and control costs.
- b. Experience and competence of project manager and key personnel.
- c. Past performance and experience on similar projects.
- d. Method of controlling quality on project and submissions.
- e. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- f. Location of office to perform work.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Richard H. Hogg, P.E., District Engineer
Engineering District 10-0
P. O. Box 429, Route 286 South
Indiana, PA 15701
Attention: Mr. Brian N. Allen, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Engineering District 10-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian N. Allen, P.E., at (724) 357-2842.

Erie County

Project Reference No. 08430AG2367

The Department will retain an engineering firm to provide the preparation of an environmental assessment, needs document update, alternative alignment investigations and preliminary engineering for S.R. 0299, Section A00, (Powell Avenue relocation). The purpose of this project is twofold: (1) is to provide for the extension of the Erie Airport Runway system to permit the airport to handle larger airplanes at the terminal and (2) is to replace a deteriorating bridge which carries S.R. 0299 over the multiple rail lines in Millcreek Township, Erie County, Engineering District 1-0.

The selected firm will be required to: prepare an Environmental Assessment; perform field surveys; prepare a location study with a preferred alternative; prepare for the chosen alternative: preliminary roadway design; cross sections; topography; soils and geological investigation; erosion and sedimentation control plan; preliminary right-of-way submission; preliminary utility and railway investigation; preliminary traffic investigation (which will update and substantiate the existing needs document); prepare structure design in detail to submit a type, size and location submission with all associated permits. The attendance at various public involvement meetings is required. The consultant will be required to provide material for and attend a safety review meeting; attend various field views to be held on the site; provide material for and participate in value engineering reviews; and provide efficient project management.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules.
- d. Project management skills and public involvement experience. The specific experience of individuals who constitute the firms will be considered.
- e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.
- f. Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.
- g. Specialized experience in aviation design.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
1140 Liberty Street
Franklin, PA 16323
Attention: Mr. Michael L. McMullen

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the sixth (6th) day following the date of this Notice.

Engineering District 1-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted

a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., District 1-0, at (814) 437-4331 or Ms. E. Mariah Baker, District 1-0, at (814) 437-4395.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project,

firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-981. Filed for public inspection June 18, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) (act) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

| <i>Reg No.</i> | <i>Agency/Title</i> | <i>Issued</i> | <i>Final-Form Submission Deadline</i> |
|--------------------|---|---------------|---|
| 30-51 | Pennsylvania Emergency Management Agency Public Safety Emergency Telephone Program 29 Pa.B. 1719 (April 3, 1999) | 6/3/99 | 5/3/01 |
| 30-52 | Pennsylvania Emergency Management Agency Training and Certification Standards for 9-1-1 Emergency Communications Personnel 29 Pa.B. 1721 (April 3, 1999) | 6/3/99 | 5/3/01 |
| 30-53 | Pennsylvania Emergency Management Agency 9-1-1 Performance Review and Quality Assurance Standards 29 Pa.B. 1717 (April 3, 1999) | 6/3/99 | 5/3/01 |

Pennsylvania Emergency Management Agency Regulation No. 30-51 Public Safety Emergency Telephone Program June 3, 1999

We have reviewed these proposed regulations from the Pennsylvania Emergency Management Agency (PEMA) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. §§ 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

1. Section 120b.104. Technical standards for plans—Consistency and Clarity.

The existing language of § 120b.104(b)(2)(xviii) reads as follows:

The 9-1-1 operators, dispatch personnel and supervisors shall receive a minimum of 40 hours classroom and hands on instruction. The APCO [Associated Public Safety Communicate Officers, Inc.] training course or a similar course that is used is subject to Council approval. In addition to minimum training requirements, a county may require additional training at its discretion.

The 40-hour minimum classroom and hands on instruction is inconsistent with the training requirements in proposed Regulation #30-52. The current language of this subsection should be deleted and replaced with a reference to training requirements in Chapter 120c, which is in proposed Regulation #30-52.

2. Section 120b.106. Eligible costs—Consistency and Clarity.

Consistent with Act 17 of 1998, the proposed regulations adds training directly related to the provision of 9-1-1 services to the list of eligible recurring costs in § 120b.106(b)(2)(vii). Counties may use funds generated by contribution rates assessed by means of Act 17 to pay for training. However, existing language in § 120b.106(c)(5) identifies "recruitment and training of dispatchers, call takers or telecommunication officers or

operators" as an ineligible cost for which funds from the contribution rate cannot be used. To be consistent with Act 17, PEMA should delete the words "and training" from § 120b.106(c)(5) in the final-form regulations.

3. Section 120b.113. Accuracy standards for 9-1-1 database systems—Reasonableness and Clarity.

PEMA needs to clarify that this section applies to enhanced 9-1-1 centers.

Subsection (b) requires the local exchange carrier (LEC) and the county to perform a database validation every 6 months. Commentators expressed concern with the reasonableness of requiring validation every 6 months and questioned the feasibility of this requirement. PEMA should justify why a 6-month interval for validation is both appropriate and practical.

Commentators have also questioned the feasibility of the minimum 95% requirement in subsection (b)(1). If they have to wait for LECs to reach 95% accuracy on their databases, some county 9-1-1 center may never receive the required data. PEMA should explain the need for and feasibility of the 95% rule.

In subsection (b)(2), the phrase "the use of" after the first comma is unnecessary and should be deleted.

Subsection (b)(3) provides the following:

Thereafter, additional validation processes shall be implemented by a county and the LEC or LECs to eliminate, insofar as possible, any substantive mismatches between the county's MSAG and the LEC's customer database.

This subsection is confusing for two reasons. First, it is not clear what time reference is meant by "Thereafter." PEMA should use a specific time reference in place of "thereafter" to describe when additional validation processes should be implemented.

Second, it is not clear what is meant by "additional validation processes." Does this mean a different technology must be used to validate information or a different method for validation? PEMA should clarify its intent on what it means by additional validation processes.

**Pennsylvania Emergency Management Agency
Regulation No. 30-52
Training and Certification Standards for 9-1-1
Emergency Communications Personnel
June 3, 1999**

We have reviewed these proposed regulations from the Pennsylvania Emergency Management Agency (PEMA) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. §§ 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to consistency, statutory authority implementation procedures, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

1. Section 120c.101. Purpose and definitions—Consistency, Need and Clarity.

Section 120c.101(a) describes the purpose of these proposed regulations "to implement section 3(a)(6)" of the Public Safety Emergency Telephone Act (Act 17). The subsection's single sentence also states that section 3(a)(6) of Act 17 "was added by section 3(a)(6) of the act of February 12, 1998 (P. L. 64, No. 17) to provide for the training and certification of call takers, emergency dis-

patchers and supervisors who work for 9-1-1 emergency communications centers in this Commonwealth."

The subsection is lengthy and inconsistent with Act 17. First, it is not necessary to include a detailed reference to Act 17. The citation for Act 17 in the proposed regulations' definition of the term "act" is sufficient. The date and pamphlet citation should be deleted from § 120c.101(a).

Second, the subsection does not match the actual statutory language of section 3(a)(6) of Act 17. This statute gives PEMA the power and duty "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors." § 120c.101(a) should simply state that the purpose of these proposed regulations is to establish minimum standards for the training and certification of 9-1-1 personnel.

2. Sections 120c.102—120c.104. Call taker; emergency dispatcher; and 9-1-1 center supervisor certification—Consistency, Implementation Procedures, Reasonableness, Need and Clarity.

Sections 120c.102, 120c.103 and 120c.104 set forth certification, training and examination procedures and requirements for the positions of call taker, emergency dispatcher and 9-1-1 center supervisor respectively. The structure and content of these three sections are very similar. County 9-1-1 centers and other commentators have expressed concern and raised questions related to features that appear in all three sections. Because the subsections of §§ 120c.102, 120c.103 and 120c.104 are comparable, the following paragraphs discuss issues related to specific subsections and provisions in all three sections.

Subsection (b)(1)(i) Certification—Application forms

Subsection (b)(1)(i) of §§ 120c.102, 120c.103 and 120c.104 requires an applicant for certification to complete "an application on a form prescribed by the Agency [PEMA]." However, the regulation do not inform potential applicants how to obtain the appropriate forms. Sections 120c.102—120c.104 should contain this information.

Subsection (b)(1)(ii) Certification—Minimum age requirements

In §§ 120c.102, 120c.103 and 120c.104, subsection (b)(1)(ii) contains a minimum age requirement for each of the three positions. Why is this provision necessary? This regulation should provide the counties and local entities with sufficient latitude to hire people with the ability to do the job. PEMA should explain the need for and purpose of the minimum age requirements.

Subsections 120c.102(b)(1)(iii), 120c.103(b)(1)(iv) and 120c.102(b)(1)(v) Certification—Training requirement

These subsections require that applicants complete training courses approved or prescribed by PEMA to qualify for certification. However, neither these subsections nor any other part of this regulation contain any information concerning the content or length of these courses. In another chapter, existing language at § 120b.104(b)(2)(xviii) requires that 9-1-1 personnel "receive a minimum of 40 hours classroom and hands on instruction."

The details of the minimum standards for training should be set forth in this regulation. Counties and applicants for certification as 9-1-1 personnel, as well as the public at large, should be provided an opportunity to review the minimum training requirements for 9-1-1 staff. PEMA should establish the minimum number of

hours and subject areas required of call takers, emergency dispatchers and 9-1-1 center supervisors in this regulation.

Concerning subject areas for training, the Pennsylvania Chapter of the American College of Emergency Physicians recommended that 9-1-1 staff receive training in emergency medical dispatch (EMD) standards. Training in EMD standards includes medical call-taking, triage and dispatch of resources, and pre-arrival patient care instruction. PEMA staff indicated that EMD standards would be a part of an approved training program. If so, this core requirement should be listed in this regulation.

Subsections 120c.102(b)(1)(iv), 120c.103(b)(1)(v) and 120c.102(b)(1)(v) Certification—Written examination

These subsections require the applicant to pass a written examination prescribed by PEMA. However, there is no indication who will administer the examinations, when they will be available or the examination's content or length. If PEMA plans to develop, administer and grade the examinations, then the regulation should articulate this plan. It should also indicate when and where applicants can take the examinations.

Subsections 120c.102(b)(1)(v), 120c.103(b)(1)(vi) and 120c.102(b)(1)(vi) Certification—Practical test

These subsections state that the applicant must pass a practical test related to the respective position skill requirements. The tests will be prescribed by PEMA. As indicated above with written examinations, PEMA should set forth minimum standards and requirements outlining the content, length and administration of these tests in the regulation.

Subsection (c) Recertification

Recertification is required every 3 years for call takers and emergency dispatchers, and every 4 years for 9-1-1 center supervisors. Each applicant for recertification is required to pass a written examination prescribed by PEMA. In addition, call takers and emergency dispatchers are required by § 120c.106 to complete refresher training. Commentators questioned the need for both recertification examinations and continuing education through refresher training.

PEMA should explain the need for both refresher training and recertification examinations. If a certified employee has worked in the 9-1-1 system for 3 years and has fulfilled the refresher training requirements, why does he or she need to pass another examination? The licensure boards for several professions in health care and other occupations have continuing education requirements. For many of these licensure boards, documentation of continuing education is the only requirement for licensure renewal.

If an employee has not worked in the 9-1-1 system for an extended period, an examination for recertification may be more appropriate. If PEMA opts to require recertification of former 9-1-1 system employees, it should quantify the length of absence that would trigger the recertification requirement in this regulation. This subsection should also include information concerning the recertification examination's contents, administration and availability.

Missing "grandfather" provision—Testing and training of current personnel

A few commentators expressed concern with imposition of the new training requirements on current employees. Many 9-1-1 centers already have training programs in

place. Many of these programs go beyond the minimum standards that PEMA is contemplating. In addition, these existing training programs include courses approved by the National Emergency Numbers Association and other professional organizations with training standards that are identical or comparable to those PEMA plans to use.

Commentators stated that there is no need to compel current employees to enroll in duplicative courses of instruction. We agree. One resolution of this concern is to allow current employees to take the PEMA examinations without additional training. PEMA indicated that it was considering this approach. However, there is nothing in the regulation that provides an exception for current employees.

Will PEMA allow current employees to document previous training experience? If so, the regulation should require current employees to document their training experiences. After PEMA determines that current employees' previous training meets or exceeds its standards, these employees should be allowed to qualify for certification just by passing the examination without having to complete additional or duplicative training courses.

3. Section 120c.105. Certification curriculum and instructors—Reasonableness and Clarity.

This section states that PEMA "will review and approve certification curriculums, materials, schedules, examinations, fees, recordkeeping and other related matters that are necessary to implement the certification standards." In addition, the section states that PEMA will approve instructors. As stated earlier, several counties already have comprehensive training programs in place for their 9-1-1 personnel. Because the regulation do not provide what PEMA's requirements will be, these counties indicate that they are uncertain whether their training programs will meet PEMA's standards.

It is our understanding that PEMA will allow counties to continue to run their own training programs. If this is true, the regulation should set forth the details of an application process whereby counties may submit information on their training programs and instructors for review and approval by PEMA. This is another reason why this regulation should include information on the minimum hour and course content requirements for training courses. Without specific standards, counties cannot determine whether their training courses will meet PEMA's standards.

4. Section 120c.106. Refresher training—Clarity.

This section states that call takers and dispatchers will receive "annual refresher training of sufficient content and duration to maintain their competencies." As stated earlier, the regulation should specifically state the minimum number of hours to be required for continuing education. It should also indicate the subject areas that qualify as continuing education or establish a process whereby counties, training providers or 9-1-1 personnel can submit continuing education proposals to PEMA for review and approval.

5. Certification, Training, Recertification and Refresher training—Fiscal Impact and Clarity.

The actual costs of implementing this regulation are uncertain. In the Regulatory Analysis Form for this regulation, PEMA indicates that the costs of this regulation should be minimal. Many counties have training programs in place and PEMA plans to require that these programs comply with its minimum standards. Because the regulation does not contain PEMA's minimum stan-

dards, no one can ascertain whether the costs will be minimal. Hence, the fiscal impact of this regulation is unclear. This concern applies to training costs as well as the additional costs for examinations, refresher training and recertification outlined in the regulation. The cost is a significant unknown amount for counties that do not already have training programs.

Act 17 identifies training expenses as eligible expenditures for funding by means of the 9-1-1 fees. However, revenues from 9-1-1 fees generated by the statutory contribution rates are a limited resource. PEMA should establish the minimum standards and estimate the potential economic impact of mandating compliance with its standards.

6. Section 120c.108. Right to enter and inspect—Reasonableness and Clarity.

This section states that PEMA has the right to enter any 9-1-1 center during regular and usual business hours to inspect employment records, county plans, protocols and equipment. It also states that PEMA reserves the right to enter at other times upon any complaint or PEMA's reasonable belief that violations of this regulation or Chapter 120b exist. The question arises as to what PEMA would or could do if it found a problem. Act 17, existing regulations and this proposed regulation do not provide penalties for violations. PEMA's enforcement role in the 9-1-1 system is unclear. PEMA should explain its intent for this provision and its role in working with 9-1-1 centers, counties and local governments to advance the 9-1-1 systems.

7. Training and certification standards and remote dispatch points—Statutory Authority, Fiscal Impact, Implementation Procedure and Clarity.

A commentator questioned whether this regulation will apply to the staffs of remote dispatch points (RDPs). RDPs include local police units, private ambulance services or local fire companies. PEMA staff stated that RDPs will be expected to comply with this regulation because they are part of the 9-1-1 system. However, they indicated that they may need to amend the regulation to include RDP personnel.

RDPs and 9-1-1 centers have a vital relationship. Calls to a 9-1-1 center for emergency assistance can be transferred to RDPs where a dispatcher determines the appropriate response and dispatches equipment and personnel. Dispatchers at RDPs are not necessarily employees of a 9-1-1 center. It is unclear whether the certification and training requirements and other provisions of this regulation apply to dispatchers or other personnel at RDPs.

Act 17 gives PEMA broad authority and discretion in the development and operation of the 9-1-1 system. Section 2 of Act 17 (35 P.S. § 7012) contains definitions for "911 emergency communication system" or "911 system" and "public safety answering point." However, the words "remote dispatch point" do not appear in Act 17. PEMA's goal is to improve 9-1-1 systems and the response of police, fire, ambulance and medical services to emergencies. This goal is understandable and worthwhile. Nonetheless, PEMA should explain its statutory authority to require certification and training of dispatchers and other personnel at RDPs.

Comments from the Pennsylvania State Association of Township Supervisors dated May 28, 1999, and the Berks County Communication Center also raise a number of other important questions concerning the application of this regulation to RDPs. Will the provision concerning PEMA's inspections of 9-1-1 centers apply to RDPs? How

will RDP staffs pay for training? RDPs training may be eligible for funding by means of the county 9-1-1 plans but only at the discretion of the counties. How many RDPs are currently included in county 9-1-1 plans?

PEMA should review these questions and explain its positions for inclusion with the final-form regulations. Including representatives of local governments and RDPs in the discussions along with 9-1-1 centers would probably improve the final-form regulations.

**Pennsylvania Emergency Management Agency
Regulation No. 30-53**

**9-1-1 Performance Review and Quality Assurance
Standards**

June 3, 1999

We have reviewed these proposed regulations from the Pennsylvania Emergency Management Agency (PEMA) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P.S. §§ 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, fiscal impact, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

1. Section 120d.104. Standards and procedures for performance review—Fiscal Impact, Reasonableness and Clarity.

Quality assurance review

In § 120d.102, the term "quality assurance review" is defined. However, PEMA uses the term "audit" when referencing a quality assurance review in § 120d.104. For consistency and clarity, the term "quality assurance review" should be used in place of "audit."

The use of the word "standard" in the title of this section is unclear. This section does not indicate what standards or performance criteria are to be used in the quality assurance reviews. The regulation should include specific performance criteria that the quality assurance reviewer will use when examining other employees' work. If the reviewer is to use the criteria or standards in § 120d.105, then § 120d.104 should reference § 120d.105.

Content requirements or recommendations for quality assurance reviews

The last sentence in subsection (a) provides, "It is also recommended that all incidents involving catastrophic loss be included in the review process." The phrase "It is also recommended" is inappropriate regulatory language because it does not convey a definitive standard. If incidents related to catastrophic loss will be required to be part of the review, this phrase should be removed from the regulation. If it will not be a requirement, the whole sentence should be deleted.

Dispatching

Subsection (b) requires dispatching the appropriate police, fire or emergency medical services within the prescribed time frame (usually within 90 seconds of obtaining pertinent information, 90% of the time). This provision, for several reasons, is problematic as to how it will be used for the quality assurance review.

First, the phrase "usually within 90 seconds" is not a definitive standard. PEMA should delete the term "usually."

Second, it is not clear what the prescribed time frame is for dispatching the appropriate personnel. Will it be 90 seconds or will it be another time frame? The regulation should clearly define the standard.

Finally, the City of Philadelphia observed, when the volume of calls dictates, they dispatch personnel on a priority basis. If dispatching calls on a priority basis is appropriate, PEMA should amend the regulation to allow such flexibility.

Frequency of call taking audits

Subsection (b) begins by requiring call taking audits to be completed weekly. The subsection later provides that "Although it is recommended that audits be performed on a weekly basis, the quality assurance review process may assume a monthly configuration to accommodate 9-1-1 centers that have personnel or scheduling constraints." The language "Although it is recommended" is inappropriate and creates confusion as to whether call taking audits should be done weekly. If PEMA is intending to establish an exception to the weekly call taking audit requirement, it should expressly state when the exception will be applicable.

Quality assurance reviewer

Subsection (d) requires the director of each 9-1-1 center to create a quality assurance reviewer position. The quality assurance reviewer is a full-time position and depending upon the size of a 9-1-1 center, there may be more than one at each facility. PEMA did not identify the potential economic impact/cost of mandating this new full-time position or how the establishment of this position is the most cost-effective measure to ensure quality assurance. PEMA should conduct this analysis to ensure the creation and use of a quality assurance reviewer is cost effective.

The second sentence in subsection (d) provides that "It is recommended that the reviewer be a supervisory level with a minimum of 3 years experience in the field of emergency telecommunications." Again, the phrase "It is recommended" does not convey a definitive standard. The regulation should specify the minimum qualifications for a quality assurance reviewer.

Retention of audit reviews

Subsection (e) requires audit reviews to be kept for 3 years at the 9-1-1 center. Commentators expressed concern that recorded 9-1-1 calls will be included as part of the audit review and thus subject to Pennsylvania's Right To Know Law. PEMA's proposed Regulation #30-51 includes a new § 120b.103(11). The new subsection states that a county plan will be considered a public record under the provisions of the act known as the Right to Know Law (65 P. S. §§ 66.1—66.4).

Commentators express concern that recorded 9-1-1 calls may be included in audits conducted for performance reviews. The commentators believe that the audits may be included in the plan, resulting in the recorded 9-1-1 calls becoming part of a public record.

It is our understanding that PEMA does not intend to require recorded phone calls to be part of the audit review. In addition, the Pennsylvania Supreme Court issued a decision on this issue earlier this year. In *North Hills News Record v. Town of McCandless*, 722 A.2d 1037 (1998), the Supreme Court ruled that tapes of 9-1-1 calls are not public records under the provisions of the Right to Know Law. To insure consistency with this recent ruling of the Supreme Court, PEMA should state

that transcripts or recordings of 9-1-1 calls are not public records under the Right to Know Law.

We also question the need for the 9-1-1 center to retain the audits for 3 years. PEMA should provide justification for this retention period or reduce it.

Quality assurance actions

Subsection (h) provides that quality assurance actions that are initiated in response to the results of an audit review will be documented and included as part of the audit. PEMA should define what "quality assurance actions" are, who is responsible for initiating the actions, and when the actions will be imposed.

2. Section 120d.105. Types of quality assurance reviews—Statutory Authority and Clarity.

Call taker performance review

Subsection (a)(8) requires the quality assurance reviewer to consider the professional demeanor of the call taker. The term "professional demeanor" lacks objectivity. Other standards listed in this subsection are also very subjective and provide a reviewer with a great deal of discretion in evaluating performance. PEMA should consider including more objective criteria to be used by the quality assurance reviewer to determine if the call taker is acting in a professional manner. This comment also applies to subsection (b)(8) for dispatchers.

Federal Communication Commission rules

Subsection (b)(8) provides that the telecommunicator shall abide by applicable Federal Communications Commission (FCC) rules and regulations. Instead of the general reference, specific citations to FCC regulations should be included.

Emergency medical dispatch program

Subsection (c) requires the Department of Health to approve the emergency medical dispatch program as a requisite to its use by the 9-1-1 emergency communications center. There is no current requirement for the Department of Health to review this program. Furthermore, PEMA lacks the authority to impose such a mandate on another administrative agency. Accordingly, this provision should be deleted.

PEMA itself has the authority to approve medical dispatch programs for 9-1-1 centers. If it decides that standards are needed, it can develop its own or can reference standards developed or approved by organizations with the appropriate expertise or qualifications.

3. Quality assurance reviews and remote dispatch points—Statutory Authority, Fiscal Impact, Implementation Procedures and Clarity.

A commentator questioned whether this regulation will apply to the staffs of remote dispatch points (RDPs). RDPs include local police units, private ambulance services or local fire companies. PEMA staff stated that RDPs will be expected to comply with this regulation because they are part of the 9-1-1 system. However, they indicated that they may need to amend the regulation to include RDP personnel.

RDPs and 9-1-1 centers have a vital relationship. Calls to a 9-1-1 center for emergency assistance can be transferred to RDPs where a dispatcher determines the appropriate response and dispatches equipment and personnel. Dispatchers at RDPs are not necessarily employees of a 9-1-1 center. The relationship between 9-1-1 centers' quality assurance review programs and RDP employees is unclear.

Act 17 gives PEMA broad authority and discretion in the development and operation of the 9-1-1 system. Section 2 of Act 17 (35 P.S. § 7012) contains definitions for "911 emergency communication system" or "911 system" and "public safety answering point." However, the words "remote dispatch point" do not appear in Act 17. PEMA's goal is to improve 9-1-1 systems and the response of police, fire, ambulance and medical services to emergencies. This goal is understandable and worthwhile. However, PEMA should explain its statutory authority in implementing quality assurance standards for RDP employees who are not employed by 9-1-1 centers and are not included in county 9-1-1 plans.

Comments from the Pennsylvania State Association of Township Supervisors dated May 28, 1999, and the Berks County Communication Center also raise a number of other important questions concerning the application of this regulation to RDPs. What is the responsibility of 9-1-1 centers in auditing or performing quality assurance reviews of RDPs employees' performance? Will 9-1-1 center quality assurance reviewers have access to tape recordings of RDPs' calls and dispatches? RDPs may be eligible for funding by means of the county 9-1-1 plans but only at the discretion of the counties. How many RDPs are currently included in county 9-1-1 plans?

PEMA should review these questions and explain its positions for inclusion with the final-form regulations. Including representatives of local governments and RDPs in the discussion along with 911 centers would probably improve the final-form regulations.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-982. Filed for public inspection June 18, 1999, 9:00 a.m.]

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-983. Filed for public inspection June 18, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P.L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Anthony M. Dimassa; file no. 99-210-31794; Pennland Insurance Company; doc. no. P99-05-019; July 7, 1999, at 1 p.m.;

Appeal of Richard C. Shankweiler; file no. 99-121-02330; Goodville Mutual Insurance Company; doc. no. P99-05-016; July 13, 1999, at 10 a.m.;

Appeal of Bonnie Jean Copeland; file no. 99-121-02082; State Farm Mutual Automobile Ins. Co.; doc. no. P99-05-018; July 15, 1999, at 1 p.m.

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of John and Kelly Gerhard; file no. 99-181-02717; Chester County Mutual Ins. Co.; doc. no. P99-05-017; July 8, 1999, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in

conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-984. Filed for public inspection June 18, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 99-121-01991; Mike J. and Debra Scheirer; doc. no. P99-06-002; July 14, 1999, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-985. Filed for public inspection June 18, 1999, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Executive Board

Resolution #CB-99-071, Dated May 5, 1999. The Commonwealth of Pennsylvania entered into a side letter of agreement with the American Federation of State, County, and Municipal Employees, AFL-CIO. This letter adds the Corrections Optical Lab Factory Supervisor classification to the Corrections Officer Supervisor pay schedule and side letter of understanding.

Resolution #CB-99-105, Dated May 5, 1999. The Commonwealth of Pennsylvania entered into a side letter of agreement with the American Federation of State, County, and Municipal Employees; this side letter provides for promotions, demotions and transfers to and within the Corrections Officers/Forensic Security Employees pay schedule.

Governor's Office

Manual M110.2, 1999-2000 Rebudget Instructions—Dated May 1999.

Manual M530.3, Group Life Insurance Program, Revision No. 4, Dated May 10, 1999.

Management Directive No. 230.15—Continental United States High Cost Subsistence Allowances—Amended April 20, 1999.

Management Directive No. 505.7—Personnel Rules, Revision No. 1, Dated April 26, 1999.

Management Directive No. 505.30—Prohibition of Sexual Harassment in Commonwealth Work Settings, Dated May 13, 1999.

Administrative Circular No. 99-13—1999-2000 Rebudget Instructions—Dated May 10, 1999.

Administrative Circular No. 99-14—Closing Instruction No. 3, Prior Encumbrances for Act 57 Waivers and Contracted Repairs—Dated May 13, 1999.

Administrative Circular No. 99-15—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Delaware County—Dated May 13, 1999.

Administrative Circular No. 99-16—Inventory of General Services' Commodity Distribution Centers—Dated May 14, 1999.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 99-986. Filed for public inspection June 18, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0263, 418 E Ohio Street, Pittsburgh, PA 15212-5515.

Lease Expiration Date: June 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space serving the Northside of the City of Pittsburgh. The space should be located within one-half mile of Cedar and East Ohio Streets, Pittsburgh.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0271, 3408 Main Street, Munhall, PA 15120-3257.

Lease Expiration Date: July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,200 net useable square feet of new or existing retail commercial space serving the Munhall area. The space should be on Main Street between Melvin Street and West Miller Avenue, Munhall.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6514, 147 Columbia Avenue, Vandergrift, PA 15690-1101.

Lease Expiration Date: July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,600 net useable square feet of new or existing retail commercial space serving the Vandergrift market area.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0214, 511 Miller Avenue, Clairton, PA 15025-1720.

Lease Expiration Date: June 10, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Clairton market area. Location must have access for tractor-trailor loading.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6305, McDonald Shopping Plaza, 301 W. Barr Street, McDonald, PA 15057-1423.

Lease Expiration Date: July 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space serving the McDonald area.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Berks County, Wine & Spirits Shoppe #0617, Tulpehocken Village Shop, 430 N. 3rd Street, Womelsdorf, PA 19567-9701.

Lease Expiration Date: October 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,900 to 3,400 net useable square feet of new or existing retail commercial space within one-half mile of the intersection of US Route 422 and PA Route 419 in the Borough of Womelsdorf or the Townships of Marion and Heidelberg.

Proposals due: July 9, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Ronald Hancher, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-987. Filed for public inspection June 18, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 12, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.*

A-00115842 (2nd Correction). Red Rose Limousine Service, Inc. (3633 North Hermitage Road, Transfer, Mercer County, PA 16154), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

A-00115959. Wojciech Wazydrag (L 105 Overllok Drive, Tobyhanna, Monroe County, PA 18466)—persons in limousine service, between points in the county of Monroe, and from points in said county, to points in Pennsylvania, and return.

A-00115958. Roy Tucker, t/d/b/a Corry Cab Company (424 Wayne Street, Corry, Erie County, PA 16407)—persons in call or demand service, between points in the city of Corry, and within an airline distance of 12 statute miles of the limits of said city.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00112415, Folder 3. Armando Ocando, t/d/b/a All Star Limousines (2307 Harrow Road, Pittsburgh, Allegheny County, PA 15241)—additional right—persons in group and party service, between points in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return; subject to the following condition: that the service be limited to the transportation of persons attending weddings, proms, concerts, school dances, sports events and nights-on-the-town.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.*

A-00108826, Folder 1, Am-A. System of Services, Inc., t/d/b/a SOS Taxi (28 Georgetown Lane, Beaver, Beaver County, PA 15009), a corporation of the Common-

wealth of Pennsylvania—persons upon call or demand in the county of Beaver: *So as to permit* the transportation of persons upon call or demand in the boroughs of Leetsdale, Edgeworth, Sewickley, Sewickley Heights and Bell Acres; and the township of Leet, all located in Allegheny County.

Applications of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-00111425, F. 2, Am-B. Daniel R. Koebler, t/d/b/a Crown Limousine Service (701 East Main Street, Grove City, Mercer County, PA 16127)—inter alia, persons in limousine service, between points in the townships of Liberty, Pine and Wolf Creek, and the borough of Grove City, Mercer County, and from points in said townships and borough, to points in Pennsylvania: *So as to permit* the transportation of persons in limousine service between points in the county of Butler, and from points in the said county, to points in Pennsylvania, and return; which is to be a transfer of all of the operating rights of Deanna Kyle, t/d/b/a Classic Transportation, under the certificate issued at A-00114366, subject to the same limitations and conditions.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.*

A-00110867, F. 1, Am-A. James Moving Company, Inc. (1709 Beryl Drive, Pittsburgh, Allegheny County, PA 15227), a corporation of the Commonwealth of Pennsylvania—household goods in use between points in the borough of Sewickley, Allegheny County, and within 25 miles by the usually traveled highways of the limits of said borough: *So as to permit* (1) the transportation of household goods in use from points in the city of McKeesport, Allegheny County, and within a radius of 3 miles thereof, to points within 25 miles by the usually traveled highways of the limits of said city, and vice versa, and (2) from points in the borough of Homestead, Allegheny County, and within 5 miles by the usually traveled highways of the limits of said borough, to other points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized Elizabeth Fawcett, t/d/b/a Boaz Trucking and Biddlestone Transfer, under the certificate issued at A-00102008, F. 2, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-00115801. Prince Limousine, Inc. (1905 Lafayette Road, Gladwyne, Montgomery County, PA 19035), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and from points in said city and county, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00110623, to ABC Limo, Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

A-00115798. Welco Transportation, Inc., t/d/b/a Adventure Limousine (320 South Roberts Road, P. O. Box 635, Dunkirk, Chautauqua County, New York 14048), a corporation of the State of New York—persons in limousine service, between points in McKean County, and from points in said county, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00111571, to Brian Joseph Vecellio, t/d/b/a First Class Limousine, subject to the same limitations and conditions.

Application of the following for the approval of the transfer of stock as described under each application.

A-00110198, F. 5000. Mid-County Transportation Services Inc. (32 Blaine Street, Lansdale, Montgomery County, PA 19446), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 100 shares of issued and outstanding shares of stock held by the estate of Shirley Ann Reese, deceased by James Reese, Jr., Executor, to Norristown Transportation Company, Inc. William R. Wanger, 1250 South Broad Street, Lansdale, PA 19446.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00115797. Lorna A. Gimble, t/d/b/a Daybreak Tours & Charters (17 Oak Street, Wilkes-Barre, Luzerne County, PA 18702)—brokerage license—to arrange for the transportation of persons and their baggage, between points in Pennsylvania.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

A-00115810. Neil E. Haylett, t/d/b/a Haylett Storage & Services (338 Grant Street, Franklin, Venango County, PA 16323)—household goods in use from points in the county of Venango, to other points in Pennsylvania, and vice versa; which is to be a transfer of part of the rights authorized Engles Trucking Service, Inc., (formerly Timothy R. Engles, t/d/b/a Engles Family Moving), under the certificate issued at A-00109827, subject to the same limitations and conditions.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. UJSP, Inc.; Doc. No. A-00110880C9902

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That UJSP, Inc., respondent, maintains a principal place of business at P. O. Box 8993, Pittsburgh, PA 15221.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110880.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by UJSP, Inc. at Docket No. A-00110880, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director
Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-988. Filed for public inspection June 18, 1999, 9:00 a.m.]

Telecommunications

A-310829. Bell Atlantic-Pennsylvania, Inc. and VITTS Networks, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and VITTS Networks, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and VITTS Networks, Inc., by its counsel, filed on May 28, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and VITTS Networks, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-989. Filed for public inspection June 18, 1999, 9:00 a.m.]

Water Service Without Hearing

A-220350F0003. City of Bethlehem. Application of the City of Bethlehem for approval of (1) the right to begin to offer or furnish treated water in the proposed certificated service territory from its water transmission main running from the Bethlehem Water Treatment Plant in Lehigh Township, Northampton County southwardly to Race Street in Hanover Township, Lehigh County, PA; (2) the right to begin to offer or furnish untreated water in the proposed certificated service territory from its water transmission main running from Wild Creek Reservoir in Towamensing Township, Carbon County southwardly to the Bethlehem Water Treatment Plant in Lehigh Township, Northampton County, PA; and (3) a new Schedule H to Bethlehem's existing Schedule of Rates and Tariffs so as to implement a tariff rate for untreated water.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 6, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: City of Bethlehem.

Through and By Counsel: Michael D. Klein, Esquire, Zsuzsanna E. Benedek, Esquire, LeBoeuf, Lamb, Greene & MacRae L.L.P., 200 North Third Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2105.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-990. Filed for public inspection June 18, 1999, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

| | | |
|---------------|--|-----------|
| July 7, 1999 | Rick D. Mahonski (Purchase of Service) | 1 p.m. |
| | Michael J. Ciliberti (Purchase of Service) | 2:30 p.m. |
| July 21, 1999 | Donn Bell (Multiple Service) | 1 p.m. |
| | Catherine Cortegerone (Purchase of Service) | 2:30 p.m. |

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 99-991. Filed for public inspection June 18, 1999, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Invitation to Qualify (ITQ) SSHE-PR-01-99

The State System of Higher Education is seeking qualified construction management firms, partnerships or Joint Ventures to provide project representation services for the 14 universities of the System and Dixon University Center. Project representation is intended to include quality assurance, project management during the course of a project. The work will be located throughout this Commonwealth and it is intended that three or more firms will be placed under a multiyear contract for each of the three areas in which the universities are located; Western Pennsylvania, Central Pennsylvania and Eastern Pennsylvania. For the firms under contract, the individual university would initiate a request for quotes for the specific project or task at hand.

Interested qualified firms can obtain an invitation to qualify (ITQ) from Rebecca Novak at the Dixon University Center, 2986 North Second Street, North Hall Room 105, Harrisburg, PA 17110. Facsimile requests can be sent to (717) 720-7117 or (717) 720-4013. Responses to the ITQ are due on July 15, 1999, by 4 p.m. The System encourages responses from small firms, minority firms, women owned firms and firms which have not previously worked for the System, and will consider Joint Ventures which will enable these firms to participate in System professional services contracts. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

JAMES H. MCCORMICK,
Chancellor

[Pa.B. Doc. No. 99-992. Filed for public inspection June 18, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm for Traffic and Revenue Study

Mon/Fayette and Southern Beltway Transportation Projects

Reference No. E-009

The Turnpike Commission (Commission) is seeking consultant services on an open end contract basis to perform traffic and revenue studies for the Mon-Fayette and Southern Beltway Transportation Projects.

Work orders anticipated under this contract may include traffic and revenue studies associated with environmental impact statements including alignment alternative analysis and toll alternative analysis. Other work orders may focus on analysis of various combinations and time frames for segment opening, one way tolling and electronic tolling. Other work orders will include toll schedule development for sections in final design and/or construction and associated estimated traffic and revenue forecasts. The consultant may need to develop traffic and revenue estimates for bonding.

The consultant will coordinate with the Southwestern Pennsylvania Corporation (SPC) to obtain untolled traffic estimates for alignments being evaluated. The consultant

will then develop tolled traffic projections and diverted traffic. This information will be given to SPC for traffic redistribution. The consultant may be assigned tasks to conduct traffic surveys, traffic counts and traffic analysis.

Questions and inquiries concerning this project should be directed to Timothy M. Scanlon, P.E., at (717) 939-9551, Ext. 5590; or by e-mail at tscanlon@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

2a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. Three page expression of interest in the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. Annual Qualification Package submitted to the Pennsylvania Department of Transportation for the current year, containing the following for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (Limit to one 8 1/2" x 11" page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Mr. Barry L. Troup, P.E., Assistant Chief

Engineer for Design, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, July 9, 1999. Letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-993. Filed for public inspection June 18, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦
(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

3610-07 Annual Contract—Facsimile equipment lease with purchase option/outright purchase.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

3825-01 Annual Contract—Brooms, sweeper—complete and refills.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

5820-01 Annual Contract—Audio visual equipment and supplies.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

5820-03 Annual Contract—Integrated flood observation warning system (IFLOWS)—hydrology and meteorology equipment.

Department: Various
Location: Various
Duration: 09/01—08/31
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6505-05 Annual Contract—Hematology test equipment and reagents.

Department: Various
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6545-01 Annual Contract—First aid kits and supplies.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6640-01 Annual Contract—Equine urinalysis.

Department: Various
Location: Various
Duration: 10/15—09/14
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6750-02 Annual Contract—Cameras and lens.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6750-03 Annual Contract—Film, paper, chemicals, photographic supplies.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6790-01 Annual Contract—Fingerprint supplies.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6810-01 Annual Contract—Calcium and magnesium chloride, liquid.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

6810-07 Annual Contract—Salt, water softener and snow and ice removal.

Department: Various
Location: Various
Duration: 10/15—10/14
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

7350-08 Annual Contract—Vending machines with training.

Department: Various
Location: Various
Duration: 09/01—08/31
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

7350-09 Annual Contract—Paper cups and cups, disposal/general.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

7450-02 Annual Contract—Dictation equipment, desktop and portable.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

7920-05 Annual Contract—Janitorial supplies.

Department: Various
Location: Various
Duration: 11/01—10/31
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

9120-02 Annual Contract—Gas propane, bulk.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

9130-03 Annual Contract—Gasoline, unleaded.

Department: Various
Location: Various
Duration: 10/01—09/30
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

9905-03 Annual Contract—Material, registration plate.

Department: Various
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1040119 Communication equipment—1 each Autodesk architectural desktop R1 W/V.I.P. subscription (for CAD building design) no substitute; 1 each CAD Overlay Realse 14 W/V.I.P. subscription (Roster Editing Software) no substitute; 1 each drawing scanner 40 Media width 38" scan width w/interface card and all cabling; resolution 400 DPI (mini) variable; 1 each installation at Department of Corrections central office; 1 each Auto CAD training—Auto CAD R-14 Basic (36 hours); 1 each Auto CAD training—Auto CAD architectural desktop (18 hours).

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1043119 Food preparation and serving equipment—1,800 cases three compartment styrofoam trays with three 93 section hinged lid, all plastic china foam, 250/case, must be Seal Master 2th-1900-S or an approved equal 10 x 9 x 3.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250110 Motor vehicles, trailers and cycles—6 each latest model conventional cab and chassis, automatic transmission, single rear axle, dual rear wheel, with 16' pony van body; 6 each latest model conventional cab and chassis, manual transmission, single rear axle, dual rear wheel with 16' pony body "Special"; 6 each latest model conventional cab and chassis, automatic transmission, single rear axle, dual rear wheel, with 20' pony van body.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250120 Motor vehicles, trailers and cycles—6 each latest model conventional cab and chassis, automatic transmission, single rear axle, dual rear wheel, with 500 gallon capacity diesel fuel tank body.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250130 Motor vehicles, trailers and cycles—7 each latest model cab and chassis, automatic transmission, single rear axle, dual rear wheel, with sign service body and aerial bucket; 6 each latest model cab and chassis, manual transmission, single rear axle, dual rear wheel, with sign service body and aerial bucket.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250140 Motor vehicles, trailers and cycles—11 each latest model conventional cab and chassis, automatic transmission, dual rear axle, with flat bed body; 11 each latest model conventional cab and chassis, automatic transmission, tag axle with flat bed body.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

5245 Construction and building materials—Half trusses, framing lumber, plywood, sheathing, tar paper, granulated roll roofing, nails, drip edge and aluminum fascia.

Department: Public Welfare
Location: Torrance State Hospital, Torrance, Westmoreland County, PA
Duration: FY 98—99
Contact: Torrance State Hospital, Linda J. Zoskey, (724) 459-4547

99-CI020 Miscellaneous—Kluge—Automatic press for foil stamping size 12 x 18.

Department: Correctional Industries
Location: Frackville, Schuylkill County, PA
Duration: FY 98—99
Contact: Correctional Industries, MaryAnn Ulrich, (717) 731-7134; fax (717) 731-7008

735-209-98 Textiles—81,000 yards insole fabric (Pli-Rib) 1" polypun cotton, narrow weave industrial grade.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Correctional Industries, Joseph P. Kanjorski, (570) 773-2158, ext. 560

99CI-019 Textiles—Fabric—Khaki—polyester/cotton twill 65/35.

Department: Correctional Industries
Location: Muncy, Lycoming County, PA
Duration: FY 98—99
Contact: Correctional Industries, MaryAnn Ulrich, (717) 731-7134; fax (717) 975-2226

ADV-29 Engine accessories—Indiana University of Pennsylvania (IUP) is seeking bids for replacement parts for Cooper-Bessemer engines at S. W. Jack Cogeneration Plant. Requests for copies of bid package should be made in writing referencing Advertisement No. ADV-29 and directed to Roxie Johnson, Purchasing Agent, IUP, Robertshaw Building, 650 South 13th Street, Indiana, PA 15705. Email: rmjohns@grove.iup.edu. Requests for bid package will be accepted until June 25, 1999. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University, Indiana, Indiana County, PA
Duration: FY 98—99
Contact: Indiana University of PA, Roxie Johnson, (724) 357-3077; fax (724) 357-2670

0882-2941 Medical, dental and veterinarian equipment and supplies—Bed occupancy monitoring system, signal unit to operate off 9V alkaline battery, central receiver type: narrow band spread spectrum frequency: 900MHZ, Bandwidth: 890MHZ. Certification: FDA510k, safety approval as a Class 1 device as follows: 410 each—sensor, standard 3" x 32" strip, for use on bed, thin, weight-sensitive detector to be placed under bed linens, used in conjunction with signal unit, will monitor patient's presence or absence in bed, portable, operates independent of nurse call system. Reference: RN+ On Call Model No. BPP-30A, as manufactured by Tacilities, Boulder, CO 80301. 370 each—Sensor, wheelchair, 3" x 12" strip, for use on wheelchair, same as standard but smaller, 10/box. Reference: RN+ On Call Model No. BPP-7WC, as manufactured by Tacilities, Boulder, CO 80301.

Department: Public Welfare
Location: South Mountain Restoration Center, South Mountain, Berks County, PA
Duration: FY 98—99
Contact: Joseph Merlina, (717) 749-4030

735-001-99 Textiles—Soling material 10 1/2 iron, buffed sheet, color black, approximately 8,300 square feet.

Department: Correctional Industries
Location: Graterford, Montgomery, PA
Duration: FY 98—99
Contact: Correctional Industries, Joseph P. Kanjorski, (570) 773-2158, ext. 560

SERVICES

Computer Related Services—08

ME 918226 Replace a Tartan Computer system and associated hardware and software. Currently there are 464 programs, many of which will have to be converted to the new system. Average monthly tax return volume is 1,200,000 pages per month. The agency is interested in a Windows NT desktop environment, front-end scanning and output to Revenue's current imaging platform. The system must be compatible with our current NT client-server environment and interface to our current imaging system, which operates on 71 existing workstations. Vendor is to provide necessary scanners, servers and other necessary hardware. Any proprietary software proposed must include training certification for all levels of personnel, for example, programmer analyst that will administer and maintain the system, data entry operators and scanner operators. Requests for the RFP should be made in writing to: Department of Revenue, Bureau of Information Services (BIS), 8th Floor, Strawberry Square, Harrisburg, PA 17128-0831, Attn: Dick Beddow.

Department: Revenue
Location: Harrisburg, Dauphin County, PA
Duration: Service/maintenance will be 3 years with option to extend for two 1-year periods
Contact: Dick Beddow, BIS, (717) 772-9639; fax (717) 783-4448

Construction—09

401-BL-575 Magee Center Pool Conversion—Provide labor, equipment and material necessary to convert an existing pool area to a multipurpose auditorium at the Magee Center. New work includes the installation of new gypsum wallboard partitions, a suspended ceiling system, new doors and finishes along with modifying and upgrading the electrical and lighting system and HVAC system. There will be three prime contractors: a General; Electrical and HVAC contractor. To obtain a set of bid specifications, a nonrefundable deposit of \$75 should be sent to Reilly Associates, 222 Wyoming Avenue, West Pittston, PA 18643-2822, (570) 654-2473. All necessary information regarding the project including specifications, prebid and bid opening dates will be included in the package.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 120 calendar days
Contact: Joseph C. Quinn, (570) 389-4311

DGS A 999-112 Revised Rebid Project title: Restoration of the Denison House Phase II, Repairs to the Carriage House. Brief description: Remove existing roofing, siding, exterior doors, window and door flashings and window and door trim. Renew all of the above. Remove and renew exterior steps. Install new gutters and downspouts and construct a 12 foot addition on the east side of the building. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 30, 1999, at 1 p.m.

Department: General Services
Location: Nathan Denison House, Forty Fort, Luzerne County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 402-51 Project title: Renovation of Dixon Hall. Brief description: The work consists of renovation to an existing 3-story building to provide a 5-story, 42,841 square foot administrative/office facility. Work includes demolition, new partitions and finishes, new structural, HVAC, plumbing, electrical systems and site/accessibility improvements. Estimated range: \$5,000,000 to \$10,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$290 per set. Payable to: MacLachlan, Cornelius & Filoni, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: MacLachlan, Cornelius & Filoni, Inc., 307 Fourth Avenue, 200 The Bank Tower, Pittsburgh, PA 15222, (412) 281-6568. Bid date: Wednesday, July 21, 1999, at 11 a.m. A prebid conference has been scheduled for Monday, June 28, 1999, at 10 a.m. at California University, in Dixon Hall, Room 121, California, PA. Contact: Tom Jameson, (724) 938-4310. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: California University, California, Washington County, PA
Duration: 390 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-009-555R Complete construction of a sand mound septic system (piping, septic tanks, dosing tank, sand mound, distribution piping, kiosk and electrical controls and equipment). Project is at the Permagrain Products Facility in Forest District No. 9, Quehanna Complex, north of Snowshoe.

Department: Conservation and Natural Resources
Location: Girard Township, Clearfield County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-200-580 Maintenance and protection of traffic, and bituminous paving (BCBC—180 tons and ID-2—90 tons). Work is at Cook Forest and Clear Creek State Parks.

Department: Conservation and Natural Resources
Location: Clarion, Forest and Jefferson Counties, PA
Duration: Ninety (90) days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-450-452 Modifications to two fish passageways at the Easton Dam and Chain Dam on the Lehigh River. Work consists of concrete and concrete repair work, diversion and care of water, miscellaneous metal work, painting, excavation and landscaping.

Department: Conservation and Natural Resources
Location: Palmer Township and City of Easton, Northampton County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

DGS A 939-12 Revised Rebid Project title: Repair/Improve Parking Lot. Brief description: Work consists of parking lot improvements, which includes landscaping, plaza development and entrance revisions. Estimated range: \$75,000 to \$125,000. General Construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, June 30, 1999, at 2 p.m.

Department: General Services
Location: Public Works Complex, 18th and Herr Sts., Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Court Reporting—10

06-P-99 Stenographic court reporting services: Take notes of testimony at hearings to be held at various locations throughout this Commonwealth and provide verbatim transcripts of notes as requested. Hearings may be held in more than one location at the same time. The State Workmen's Insurance Fund requires the services of stenographers to take testimony of witnesses who are unable for hearings by deposition and provide verbatim transcripts of the notes of testimony for submission of evidence.

Department: Labor and Industry
Location: Statewide
Duration: December 1, 1999 through November 30, 2001
Contact: Janice A. Blosser, Procurement Manager, (717) 787-2560

Elevator Maintenance—13

Inquiry No. 74 The scope consists of furnishing all labor, materials, equipment appliances and performing all operations for the replacement of all coal elevator casing panels with new. Prevailing wage will apply. A copy of the bid can be obtained by contacting the Purchasing Department of the Allentown State Hospital, (610) 740-3428 or fax (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 1, 1999 to June 30, 2000
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

9985-08 Elevator maintenance service. For copy of bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: September 01—August 31
Contact: Vendor Services, (717) 787-2199/4705

Engineering Services—14

08430AG2364 Preliminary engineering, final design and services during construction for S. R. 3025, Section 230, Butler County.

Department: Transportation
Location: Engineering District 10-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2365 Preliminary engineering and environmental studies for S. R. 0228, Section 290 (Criders Corners East) in Butler County.

Department: Transportation
Location: Engineering District 10-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2366 Preliminary engineering and environmental studies for S. R. 0830, Section 590 Airport Access Road, Jefferson County.

Department: Transportation
Location: Engineering District 10-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2367 To provide preliminary engineering and environmental studies of S. R. 0299, Section A00 (Powell Avenue relocation project/Erie Airport Runway Extension) in Erie County.

Department: Transportation
Location: Engineering District 1-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

SP3590005932—Service Provide consulting engineer to work with small drinking water systems across the State on an as-needed basis for the purpose of developing engineering solutions to address compliance issues.

Department: Environmental Protection
Location: Within the Commonwealth of Pennsylvania
Duration: Through June 30, 2000, with option to renew
Contact: Jackie Lincoln, (717) 783-9937

Environmental Maintenance Services—15

OSM 32(3587)101.1 Abandoned mine reclamation, Creekside Well Sealing involves clearing and sealing of seven wells and demolition, removal and disposal of facilities. One hundred percent (100%) of this project is financed by the Federal Government; Federal funds available for this program total \$8.7 million for Pennsylvania's 1999 AML Grant.

Department: Environmental Protection
Location: Washington Township, Indiana County, PA
Duration: 75 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Food—19

8970-1000-000 28mm Colagen casing for fresh products.

Department: Corrections
Location: Bureau of Correctional Industries, 2500 Lisburn Road, Camp Hill, PA 17011
Duration: One year: July 1, 1999 to June 30, 2000
Contact: Linda Malinak, (717) 975-4931

HVAC—22

Project No. 671 Provide emergency and routine repair work for air conditioning services. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: Various Buildings, Ft. Indiantown Gap, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 672 Provide emergency and routine repair work for on-call air conditioning services. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 15th and Allen Streets, Allentown, Lehigh County, PA
Duration: August 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

99054 Electrical work for exhaust system—Electrical services and equipment will be provided for the exhaust system in the kitchen areas at State Correctional Institution-Chester. More detailed information can be obtained from the institution.

Department: Corrections
Location: State Correctional Institution-Chester, 500 East 4th Street, Kitchen Areas, Chester, PA 19013
Duration: September 1, 1999—October 10, 1999
Contact: Jacqueline Newson, Purchasing Agent, (610) 490-4370

M-3122 Repairs to Keeler boiler.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823
Duration: July 1, 1999 to June 30, 2000
Contact: Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 206

Janitorial Services—23

Bid No. 7949 Furnish all equipment, materials and labor to perform janitorial services three times a week, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year and shampoo carpets. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Ephrata Station, 21 Springhouse Road, Ephrata, PA 17522
Duration: September 1, 1999 to August 31, 2002
Contact: Donna L. Enders, (717) 783-5484

Property Maintenance—33

Project No. 670 Provide emergency and routine repair work for on-call roof repairs. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: Various Buildings, Ft. Indiantown Gap, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Laboratory Services—24

SP 90882035 Clinical laboratory services—Contractor shall perform clinical laboratory services as required by the Center. Laboratory services shall be provided by contractors licensed by the Pennsylvania Department of Health, approved by the Commission of Inspections, accredited by the College of American Pathologists and certified by Medicare/Medicaid. A contractor that is part of a hospital must also demonstrate that the hospital is accredited by the Joint Commission on Accreditation of Hospitals. The contractor must participate in recognized proficiency testing programs. Any subcontracted laboratory tests shall be limited to no more than 20% of the tests required. The subcontracted services shall also meet contractor's qualifications described above. A phlebotomist shall be available to the Center for bleeding procedures and specimen collection (that is, urines, cultures, and the like) Monday through Friday between the hours of 5:30 a.m.—12:30 p.m. All routine lab results are to be returned in 24 hours or less, except those tests requiring more than 24 hours, including but not limited to bacteriology, special hormonal test or drug level studies, and the like. Additional information and bid specs can be obtained by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Approximately September 1, 1999 through June 30, 2005
Contact: Joseph F. Merlina, Purchasing Agent, (717) 749-4030

Sanitation—36

9039027-001 Thaddeus Stevens College of Technology will be accepting bids for the removal of all trash and garbage.

Department: Education
Location: Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602
Duration: July 1, 1999 to June 30, 2000
Contact: Betty Tompos, Business Manager, (717) 299-7749

Vehicle, Heavy Equipment—38

5244 Contractor shall supply rental of a 1000 KW, 2,400 volt generator.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111
Duration: December 31, 1999—June 30, 2000
Contact: Linda J. Zoskey, Purchasing Agent, (724) 459-4547

Medical Services—29

90873031 Prescription footwear services: Contractor is to provide extra depth, molded and orthopedic shoes, pedors washable orthopedic shoes, braces (AFO, MAFO) manufactured according to the prescription provided by the hospital.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: July 1, 1999 through June 30, 2002, a period of 3 years
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

Miscellaneous—39

98-27 "Statewide Airport System Plan." The objective of this project is to prepare a Statewide airport system plan for the Commonwealth of Pennsylvania. The plan will examine the adequacy of the Commonwealth's airport system and determine the ability of that system to meet both transportation and economic related objectives on a Statewide basis. The current system consists of 147 public-use facilities. Additional information and a request for proposals (RFP) may be obtained by faxing a request for RFP 98-27 to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, Statewide
Duration: 2 years
Contact: Tom Schumacher, (717) 783-8906

06-0-99 Interpreter services: Required by the Office for the Deaf and Hard of Hearing (ODHH) in the following counties: Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York.

Department: Labor and Industry
Location: Office for the Deaf and Hard of Hearing (ODHH), Room 1110 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120
Duration: July 01, 1999—June 30, 2000 with one 1-year renewal option
Contact: Beverly Fenton, Administrative Assistant, (717) 787-2560

Contract ID No. 063733 Sealing and boarding vacant buildings. SR 0291-A09 Claim No. 2300005 Delaware County, City of Chester.

Department: Transportation
Location: District 6-0, City of Chester, Delaware County, PA
Duration: Open
Contact: Roger Joseph, (610) 768-3006

RFP 01-99 The Commonwealth of Pennsylvania is soliciting qualified vendors to provide Statewide validation and reporting services to the Department of Public Welfare concerning verification of job retention and medical benefits for welfare recipients placed in employment. Complete specifications/details can be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Statewide
Duration: Anticipated date: October 1, 1999 through September 30, 2003 with renewal options
Contact: Joseph Kintz, (717) 787-4048

[Pa.B. Doc. No. 99-994. Filed for public inspection June 18, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

| Requisition or Contract # | Awarded On | To | In the Amount Of |
|--|-----------------------|--------------------------------------|-----------------------------|
| 0041-01 | 06/01/99 | American Decal and Manufacturing Co. | 1,112,003.03 |
| 3610-01 RIP No. 2 | 05/27/99 | Mita Copystar America, Inc. | 100,000.00 |
| 4230-01 | 06/02/99 | Mine Safety Appliances Co. | 166,939.59 |
| 4230-01 | 06/02/99 | National Mine Service, Inc. | 152,989.15 |
| 5820-05 | 06/11/99 | BI, Inc. | 5,157.37 |
| 6505-05 | 06/11/99 | Beckman Coulter Corp. | 41,121.38 |
| 5710-01 | 06/01/99 | Daniel B. Krieg, Inc. | 25,000.00 |
| 5710-01 | 06/01/99 | Dosch-King Emulsions, Inc. | 835,600.00 |
| 5710-01 | 06/01/99 | Eastern Industries, Inc. | 15,000.00 |
| 5710-01 | 06/01/99 | Highway Materials, Inc. | 35,000.00 |
| 5710-01 | 06/01/99 | IA Construction Corp. | 190,710.00 |
| 5710-01 | 06/01/99 | Koch Materials Co. | 3,328,465.00 |
| 5710-01 | 06/01/99 | Marathon Ashland Petroleum LLC | 1,203,532.30 |
| 5710-01 | 06/01/99 | Russell Standard Corp. | 3,859,929.50 |
| 5710-01 | 06/01/99 | Suit-Kote Corp. | 1,216,427.50 |
| 5710-01 | 06/01/99 | T D P S Materials | 5,000.00 |
| 5710-01 | 06/01/99 | Vestal Asphalt, Inc. | 351,450.00 |
| 5710-01 | 06/01/99 | Warden Asphalt Co. | 535,870.30 |
| 5710-01 | 06/01/99 | Whitaker Roads | 352,294.00 |
| 7810-01 | 06/01/99 | Lawn and Golf Supply Co., Inc. | 350,000.00 |
| 7810-01 | 06/01/99 | Bitting Recreation, Inc. | 300,000.00 |
| 7810-01 | 06/01/99 | Anthony F. Ramondo & Sons, Inc. | 150,000.00 |

**Requisition
or
Contract #****Awarded
On****To****In the
Amount Of**

| | | | |
|------------|----------|--------------------------------------|------------|
| 7810-01 | 06/01/99 | General Recreation, Inc. | 550,000.00 |
| 7810-01 | 06/01/99 | Recreation Resources, Inc. | 800,000.00 |
| 7810-01 | 06/01/99 | BJM Industries, Inc. | 50,000.00 |
| 7810-01 | 06/01/99 | George Ely Associates, Inc. | 250,000.00 |
| 7810-01 | 06/01/99 | Taylor Sports and Recreation, Inc. | 100,000.00 |
| 7810-01 | 06/01/99 | Little Tikes Commercial Play Systems | 50,000.00 |
| 7810-01 | 06/01/99 | Miracle Recreation Equipment Co. | 50,000.00 |
| 7810-01 | 06/01/99 | Ken J. Barrick Co. | 250,000.00 |
| 7810-01 | 06/01/99 | Leisure Fitness, Inc. | 250,000.00 |
| 7810-01 | 06/01/99 | Playworld Systems | 100,000.00 |
| 7810-01 | 06/01/99 | B.E.A.R. of Pennsylvania, Inc. | 250,000.00 |
| 7810-01 | 06/01/99 | Wabash Valley Manufacturing, Inc. | 50,000.00 |
| 7810-01 | 06/01/99 | First Choice Fitness Corp. | 100,000.00 |
| 7810-01 | 06/01/99 | Litchfield Industries, Inc. | 50,000.00 |
| 7810-01 | 06/01/99 | Jamestown Advanced Products, Inc. | 50,000.00 |
| 8105-03 | 06/01/99 | Calico Industries, Inc. | 384,655.00 |
| 1460388-01 | 06/08/99 | Fenestration Concepts, Inc. | 74,954.90 |
| 1479158-01 | 06/08/99 | The Essay Co. | 261,590.00 |
| 1511218-01 | 06/08/99 | Bonfitto, Inc. | 22,640.00 |
| 1589218-01 | 06/08/99 | Lynn Products, Inc. | 25,000.00 |
| 1590118-01 | 06/08/99 | John R. Wald Company, Inc. | 118,870.00 |
| 1596118-01 | 06/08/99 | Pinnacle Electronic Systems | 32,399.00 |

STATE CONTRACTS INFORMATION

3157

| Requisition or Contract # | Awarded On | To | In the Amount Of | Requisition or Contract # | Awarded On | To | In the Amount Of |
|---------------------------------|---------------|--|---------------------|---------------------------------|---------------|--|---------------------|
| 1609158-01 | 06/08/99 | The Davis Group | 19,733.25 | 1700118-01 | 06/08/99 | Oakes & McClelland | 26,906.84 |
| 1610118-01 | 06/08/99 | Westgate Chevrolet d/b/a Apple Chevrolet | 36,658.00 | 1701218-01 | 06/08/99 | Billows Electric Supply Co., Inc. | 102,981.75 |
| 1612228-01 | 06/08/99 | N. L. Johnson, Inc. | 41,084.00 | 1711388-01 | 06/08/99 | K-B Offset Printing, Inc. | 29,341.99 |
| 1634118-01 | 06/08/99 | John R. Wald Company, Inc. | 43,592.00 | 1716118-01 | 06/08/99 | Matthews International Corp. | 75,044.00 |
| 1635218-01 | 06/08/99 | Presby Life Home Healthcare Services LLC | 27,860.00 | 1718188-01 | 06/08/99 | Dupli Envelope and Graphics Corp. | 56,850.00 |
| 1635218-02 | 06/08/99 | Presby Care Life 7 Dowd | 27,860.00 | 1753358-01 | 06/08/99 | Burrell Scientific | 27,649.50 |
| 1641358-01 | 06/08/99 | CEM Corp. | 22,950.00 | 7314220-01 | 06/08/99 | Northeast Plastic Supply Co. | 35,640.00 |
| 1649168-01 | 06/08/99 | Advanced Training Systems Inc. | 84,471.00 | 8171550-01 | 06/08/99 | Miller AC Concrete Prod., Inc. | 50,720.00 |
| 1652238-01 | 06/08/99 | Starr Uniform Center, Inc. | 48,945.00 | 8171570-01 | 06/08/99 | Miller AC Concrete Prod., Inc. | 36,220.00 |
| 1663218-01 | 06/08/99 | Leibensperger Transportation Sales, Inc. | 37,714.00 | 8217540-01 | 06/08/99 | Geocomp Corp. | 76,900.00 |
| 1683118-01 | 06/08/99 | Chem-Tick Coated Fabrics, Inc. | 36,500.00 | 8249760-01 | 06/08/99 | Cleveland Brothers Equipment Co., Inc. | 159,245.00 |
| 1686078-01 | 06/08/99 | Securitylink from Ameritech, Inc. | 35,202.00 | 8504860-01 | 06/08/99 | Bolger Brothers, Inc. | 112,368.00 |
| 1690388-01 | 06/08/99 | ALH Realty, Inc. | 7752.15 | | | GARY E. CROWELL, <i>Secretary</i> | |

[Pa.B. Doc. No. 99-995. Filed for public inspection June 18, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 123, 125, 129 AND 143]

Workers' Compensation Health and Safety

The Department of Labor and Industry (Department), the Bureau of Workers' Compensation (Bureau), proposes the following amendments to provide detailed regulations for the uniform processing and administration of health and safety provisions of the Workers' Compensation Act (act) (77 P. S. §§ 1—1041.4). These amendments to read as set forth in Annex A are proposed to be added as Chapter 129, and will be known as the "Workers' Compensation Health and Safety regulations." This notice of proposed rulemaking further clarifies and expands upon the previous interpretation of the act of July 2, 1993 (P. L. 190, No. 44) (Act 44) provided in the statement of policy published at 25 Pa.B. 3943 (September 16, 1995). In response to comments received and meetings with affected parties, some changes have been made to the interpretations published in the statement of policy which appears in Chapter 143 (relating to workers' compensation health and safety—statement of policy), which the Department intends to delete when the proposed addition of Chapter 129 is adopted. This notice also includes the Department's interpretation of the provision of act of June 24, 1996 (P. L. 350, No. 57) extending the one-time 5% discount for safety committee certification to a total of 5 years.

In addition, the Department is amending language of § 123.202 (relating to qualifications) to delete the requirement that an expert, who qualifies under § 123.202(4), must provide vocational rehabilitation services which include vocational testing and assessment. It was brought to the attention of the Department, after the publication of the regulations, that such a requirement may exclude experts, otherwise qualified under § 123.202(4)'s experience requirements. Section 123.202(4) was specifically designed to allow vocational experts, which had at least 5 years of experience prior to August 23, 1996, to continue to be qualified to offer their services as a vocational expert. Therefore, to ensure the proper interpretation of that section, the vocational testing and assessment requirement is deleted.

Finally, the Department proposes to amend §§ 125.133(c)(4) and 125.155(a) (relating to application; and homogeneity).

Section 125.133(c)(4) requires an applicant for group self-insurance to explain how it meets the homogeneity requirement of section 801 of the act (77 P. S. § 1036.1). Section 125.155(a) provides one set of conditions for satisfying the homogeneity requirement. These sections refer to a member's premium and manual premium, respectively, in their application. However, as a result of recent amendments to Chapter 125 (relating to workers' compensation self-insurance), neither of these terms is defined. The Department proposes to replace premium and manual premium with contributions, which is a defined term under § 125.132 (relating to definitions). This proposed change will have no practical effect on the application of the sections to existing or proposed group self-insurance funds.

Statutory Authority

This proposed rulemaking is issued under the authority provided in section 435 of the act (77 P. S. § 991), which provides that the Department will adopt regulations reasonably calculated to explain and enforce provisions of the act. This proposed rulemaking is issued under the additional authority of sections 1001 and 1002 of the act which sections require insurers and self-insurers to have accident and illness prevention programs as regulated by the Department, and also encourage the establishment of workplace safety committees under criteria established by the Department.

Background

Act 44 significantly amended the act. Among other things, Act 44 established provisions for the following: accident and illness prevention services and programs, qualification standards for accident and illness prevention services providers and the formation and certification of workplace safety committees. These amendments are designed to reduce the number and severity of accidents and illnesses within the workplace.

Since the passage of Act 44, extensive outreach and communication efforts have been undertaken to gain input from the various affected parties, including insurers, self-insured employers, group self-insurance funds, providers of accident and illness prevention services, and members of the public. Summaries of these activities follow.

On July 31, 1993, the Department published a notice at 23 Pa.B. 3626 inviting interested parties to a public meeting on August 10, 1993, to discuss a number of Act 44 issues, including those relating to health and safety. At this meeting, Department representatives encouraged those wishing to do so to submit written comments to the Bureau.

On August 28, 1993, the Department published a notice concerning implementation of Act 44 in the *Pennsylvania Bulletin* at 23 Pa.B. 4185. This notice was intended to provide timely guidance to all affected parties regarding the implementation of the health and safety provisions of Act 44. Interested parties were advised to write to the Bureau with information requests and comments.

On September 16, 1995, the Department published a statement of policy in the *Pennsylvania Bulletin* at 25 Pa.B. 3943. This statement of policy provided guidance to workers' compensation insurance carriers, self-insured employers, group self-insurance funds and employers regarding the Department's interpretation of sections 1001 and 1002 of the act, pending promulgation of final-form regulations. The statement of policy also served to inform other interested members of the public of the Department's interpretation of these provisions.

These proposed amendments further clarify and expand upon the implementation of Act 44 health and safety provisions. A number of changes have been made to the statement of policy guidelines in response to comments received from affected parties.

Act 57 modified section 1002 of the act by extending the one-time, 5% workers' compensation premium discount for being granted workplace safety committee certification to a total of 5 years. After initial committee certification, an employer may be entitled to four additional premium discounts by providing annual verification by affidavit

that the committee continues to be operative and continues to meet certification requirements.

Since the passage of Act 44 and Act 57 and the publication of the notice and statement of policy, the Bureau has received written comments, telephone inquiries, and has continually solicited participation from affected parties. Meetings with affected parties were also held to provide guidance and explanation of Act 44 implementation efforts. The Bureau also employed a Nationally recognized consultant in the field of health and safety to assist in the development of the administrative requirements and processes, qualification standards for accident and illness prevention services providers, and reporting requirements relating to accident and illness prevention services and programs imposed upon insurers, self-insured employers and group self-insurance funds.

Department efforts to provide assistance and to inform affected parties regarding health and safety provisions have included the activities listed as follows.

On April 19, 1994, the Department held a Statewide teleconference to provide information to a variety of affected parties relating to the certification of workplace safety committees. Participating in this conference were members, not only of this Department, but also representatives of the National Safety Council (NSC), recognized consultants in the field of occupational safety and health.

From March through August 1994, the Department convened an ad hoc committee to obtain input regarding qualification levels for accident and illness prevention services providers. The committee included representatives from the academic, insurer, self-insured employer, healthcare provider and other communities. Recommendations included in the final committee report were utilized in compiling the qualification levels and requirements included in the September 1995 statement of policy. Additional comments received from members of the regulated community and the findings of subsequent research are reflected in these proposed amendments.

In September 1995, the Department called a series of three meetings with representatives of insurers, self-insured employers and group self-insurance funds respectively. Draft annual reports required under the health and safety provisions of Act 44 were reviewed at these sessions by the represented affected parties. Comments and suggestions were included in later report versions, draft copies of which were released to all affected parties in April 1996. Recipients were asked to voluntarily complete and return these reports as part of a voluntary report field test. Final report drafts were mailed to members of the regulated community requesting completion and official filing with the Department as required by Act 44. Reports were sent to insurers on February 28, 1997, requesting return within 60 days. Favorable comments and responses to report format and content have been volunteered by affected parties.

In August 1996, in response to the passage of Act 57, the Department implemented procedures to renew the initial certification of employers. These amendments extended the one-time, 5% discount offered under Act 44 to a total of 5 years if, by affidavit, an employer attests to the continued operation of its certified committee according to Department criteria. Completed certification renewal affidavits were produced and mailed to employers commencing with August 23, 1996, due dates. To expedite renewal, affidavits are produced with all needed information completed, necessitating that employers only update data as required, and including a notarized signature before return for processing.

From April through June of 1997, the Department conducted official tests of the complete reporting and onsite auditing process with the assistance of three volunteer members from each of the three affected groups—licensed insurers, individual self-insured employers and group self-insurance funds. Input from affected participants resulted in modification and revisions to several areas of the process and information requirements.

Since the passage of Act 44 and Act 57, members of the Bureau have continued to participate in meetings with numerous professional organizations, safety and labor conferences and various seminars to describe the Department's interpretation of the health and safety provisions and to describe the processes that have been implemented to effect them. This participation has also provided an important vehicle for affected parties to comment and input.

This notice of proposed rulemaking further clarifies and expands upon the implementation of Act 44 and Act 57 health and safety provisions. A number of changes have been made to the August 28, 1993, notice, September 16, 1995, statement of policy in response to comments received from affected parties and as a result of the Act 57 amendments.

Purpose

The purpose of these proposed amendments is to effectuate the provisions of Act 44 and Act 57 pertaining to workplace accident and illness prevention. The amendments to sections 1001 and 1002 (77 P.S. §§ 1038.1, 1038.2) in Act 44 were designed to curtail the costs of workers' compensation coverage by reducing or eliminating workplace injuries and illnesses and reducing their severity. The amendments to section 1002(b) (77 P.S. § 1038.2) in Act 57 were designed to curtail the costs of workers' compensation coverage by providing an immediate discount based upon the continuing operation of workplace safety committees according to specified criteria.

Since the passage of Act 44 and Act 57, interested parties have requested information which provides definitive interpretations, in order that all parties will have a clear understanding of their rights and duties under the health and safety provisions of the act. These proposed amendments provide clarification regarding the accident and illness prevention program or services requirements which workers' compensation insurance carriers, self-insured employers and group self-insurance funds must comply with under Chapter 7D (77 P.S. §§ 1037.1—1037.8) and reporting requirements relating to the programs or services. These proposed amendments also specify the qualifications of accident and illness prevention services providers. Finally, these proposed amendments describe the process by which an employer may apply for certification and certification renewal of its workplace safety committee to be eligible for eligibility for the one-time premium discount established by Act 44 which was extended to a total of 5 years by Act 57.

Affected Persons

Those affected by these health and safety proposed amendments include all private and public sector employers and employees in this Commonwealth, workers' compensation insurance companies, self-insured employers, group self-insurance funds and accident and illness prevention services providers.

Fiscal Impact

The Commonwealth will incur ongoing costs related to the administration of the new statutory health and safety provisions. These costs will be chargeable to the Bureau, and funded by assessments submitted to the Workmen's Compensation Administration Fund by carriers on behalf of insured employers and by self-insured employers.

Generally, the Bureau's new program responsibilities require augmenting existing staff to review, process and evaluate applications and reports and to be able to conduct onsite audits of accident and illness prevention programs. These administrative costs, however, are a result of the statute and not these proposed amendments.

The only costs imposed on local governments are those same costs imposed upon all other employers. The Commonwealth, likewise, may have costs related to its role as a self-insured employer.

There are some potential costs to insurers and self-insured employers that may result from changes to data capture and tracking procedures necessary to produce the required information for reporting purposes. These costs are difficult to calculate, however, as changes may or may not be required. Savings will, however, be immediate to employers who apply and are granted safety committee certification or certification renewal in the form of a 5% workers' compensation premium discount. Further savings should be realized through the monitoring of the quality and availability of accident and illness prevention programs and services which are aimed toward reducing workplace injuries and illnesses and therefore improving the overall level of health and safety.

Reporting, Recordkeeping and Paperwork Requirements

Some forms have been adopted in accordance with sections 802(b)(13), 1001 and 1002 of the act as amended by Act 44 and Act 57. The information requested on the reports is required for: evaluation as to the adequacy of accident and illness prevention services or program requirements for initial or continued licensure; attestation and verification that accident and illness prevention services providers employed or contracted with insurers and self-insured employers meet qualification levels established by the Department; determination of eligibility for safety committee certification and certification renewal and resulting 5% premium discounts; determination as to whether group self-insurance fund status should be granted to an applicant group based upon preparedness to provide adequate accident and illness prevention services.

To comply with section 1001(a) of the act, insurers desiring to write workers' compensation insurance in the Commonwealth are required to file form LIBC-211I, "Initial Report of Accident and Illness Prevention Services," when applying for a license with the Insurance Department. This form has been adopted to provide information for the evaluation of the applicant-insurer's capability to provide accident and illness prevention services to prospective policyholders as required by law. Based upon the information provided, the Department will recommend a final adequate or inadequate rating determination to the Commissioner of the Insurance Department who will determine whether to grant a certificate of authority to write workers' compensation insurance to the insurer-applicant.

Section 1001(a) of the act also requires that insurers employ or otherwise make available qualified accident and illness prevention personnel who meet Department qualifications. Additionally, section 1001(e) of the act

mandates annual reporting by licensed insurers as to the accident and illness prevention services being maintained or provided to policyholders and the number and qualifications of individuals used to provide services. Form LIBC-210I, "Insurer's Annual Report of Accident and Illness Prevention Services" (AIPS), was adopted to provide information for evaluation as proof of compliance with these requirements.

As with licensed insurers, self-insured employers and group self-insurance funds exempted from privately insuring their workers' compensation liability, are required by section 1001(b) of the act to maintain an accident and illness prevention program as a prerequisite for retention of self-insured status. Section 1001(b) also requires that self-insured employers and group self-insurance funds employ or otherwise make available qualified accident and illness prevention personnel who meet Department qualifications to provide program services. Form LIBC-220E, "Annual Report of Accident and Illness Prevention Program Status by Individual Self-Insured Employers," and Form LIBC-230G, "Annual Report of Accident and Illness Prevention Program Status By Group Self-Insurance Funds," have respectively been adopted to provide information for evaluation by the Bureau to determine the adequacy of these programs and service providers according to Department-established criteria.

Additionally, a group self-insurance fund is required by § 129.454 (relating to reporting requirements—applicants for group self-insurance fund status) to file form LIBC-231G, "Initial Report of Accident and Illness Prevention Program," as a prerequisite for being granted group self-insurance fund status. The data requested on this form allows evaluation of planned program implementation for adequacy.

Section 1002 of the act states that employers may make application to the Department for the certification of any established safety committee operating within its workplace. Form LIBC-372, "Application for Certification of Workplace Safety Committee," has been adopted for use by employers. Certification criteria requirements are specified on the form.

Section 1002 also provides that employers who continue to operate workplace safety committees according to established criteria are eligible to receive a 5% discount in workers' compensation insurance premiums for a total of 5 years if after initial certification, the employer provides annual verification of the operation to the Department by affidavit. Form LIBC-372R, "Certification Renewal Affidavit of Workplace Safety Committee," has been adopted to allow information for the verification to be provided by the employer. An affidavit is automatically mailed to employers previously granted certification or certification renewal prior to the renewal of their workers' compensation policy. The employer then updates information as needed prior to returning the affidavit for review and processing.

Under Chapter 129, the Department has established proposed amendments pertaining to the health and safety provisions of the workers' compensation law. Record retention periods have been established for the purpose of documenting information provided to the Department and for possible onsite record examination.

Effective Date

These proposed amendments are effective immediately upon publication.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 4, 1999, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Labor Relations Committee and the Senate Committee on Labor and Industry (Standing Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Standing Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, Regulatory Review and Promulgation. A copy of this material is available to the public upon request.

If the Standing Committees have objections to any portion of the proposed amendments, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notifications shall specify the regulatory review criteria which have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review by the Department, prior to final publication of the proposed regulations, by the Department, the General Assembly and the Governor of objections raised prior to final publication of the final-form regulations.

Public Comment and Contact Person

For further information on this proposed rulemaking, the contact person is Len E. Negley, Chief, Health and Safety Division, Department of Labor and Industry, Bureau of Workers' Compensation, at (717) 772-1917.

Interested persons are invited to submit written comments to Len E. Negley, Chief, Health and Safety Division, Bureau of Workers' Compensation at P. O. Box 15121, Harrisburg, PA, 17105-5121 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Written comments received by the Department may be made available to the public.

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-54. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 34. LABOR AND INDUSTRY****PART VIII. BUREAU OF WORKERS' COMPENSATION****CHAPTER 123. GENERAL PROVISIONS—PART II****Subchapter C. QUALIFICATIONS FOR VOCATIONAL EXPERTS APPROVED BY THE DEPARTMENT****§ 123.202. Qualifications.**

To be an expert approved by the Department for the purpose of conducting earning power assessment interviews, the individual shall possess a minimum of one of the following:

* * * * *

(4) At least 5 years experience primarily in the workers' compensation field prior to August 23, 1996, as a vocational evaluator, with experience in analyzing labor market information and conditions, industrial and occu-

pational trends, with primary duties providing actual vocational rehabilitation services, which include, but are not limited to, the following:

* * * * *

[(vi) Vocational testing and assessment.]**CHAPTER 125. WORKERS' COMPENSATION SELF-INSURANCE****Subchapter B. GROUP SELF-INSURANCE****§ 125.133. Application.**

* * * * *

(c) With the application, the applicant shall include:

* * * * *

(4) An explanation of the same classification series, as described under § 125.155(a) (relating to homogeneity), common to all prospective members with the amount of each member's **[premium] contributions** derived from the classification codes within the common series, or an explanation of how the prospective members are engaged in the same or similar types of business, as described under § 125.155(b). The Bureau may request additional information to determine the homogeneity of the applicant.

* * * * *

§ 125.155. Homogeneity.

(a) The definition of "homogeneous employer" under section 801 of the act (77 P.S. § 1036.1) and under § 125.132 (relating to definitions) is deemed satisfied as to employers who have been assigned to the same classification series if the members derive a majority of their **[manual premium] contributions** from codes within the same classification group listed in a manual of risk classes approved by the Commissioner of the Insurance Department under Article VII of the act (77 P.S. §§ 1035.1—1035.22).

* * * * *

CHAPTER 129. WORKERS' COMPENSATION HEALTH AND SAFETY**Subchap.**

- A. PRELIMINARY PROVISIONS**
- B. INSURER'S ACCIDENT AND ILLNESS PREVENTION SERVICES**
- C. INDIVIDUAL SELF-INSURED EMPLOYER'S ACCIDENT AND ILLNESS PREVENTION PROGRAMS**
- D. GROUP SELF-INSURANCE FUND'S ACCIDENT AND ILLNESS PREVENTION PROGRAMS**
- E. ACCIDENT AND ILLNESS PREVENTION SERVICES PROVIDERS QUALIFICATION STANDARDS**
- F. WORKPLACE SAFETY COMMITTEES**
- G. HEARINGS**

(*Editor's Note:* The following chapter is new. It has been printed in regular type to enhance readability.)

Subchapter A. PRELIMINARY PROVISIONS**Sec.**

- 129.1. Purpose.
- 129.2. Definitions.

§ 129.1. Purpose.

This subchapter provides definitions of terms used in this chapter to allow for accurate understanding of commonly and frequently used terminology.

§ 129.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless otherwise indicated:

AIPS—Form LIBC-210I, "Insurer's Annual Report of Accident and Illness Prevention Services" which provides detailed information about services being maintained or provided by a workers' compensation insurer to its policyholders.

AIPPS—Form LIBC-220E, "Annual Report of Accident and Illness Prevention Program Status" which provides detailed information about a self-insured employer's prevention program or prevention services being provided to employer members of a group self-insurance fund.

Accident analysis—The review of injury and illness records for the purpose of identifying trends, causal factors and methods of preventing and reducing work-related accidents and illnesses.

Accident and illness prevention services providers—A person providing accident and illness prevention services for an insurer, individual self-insured employer or group self-insurance fund who meets the qualification standards in § 129.702 (relating to accident and illness prevention services providers qualifications).

Accident and illness prevention services—Services, within the context of the act, which include: surveys, recommendations, training programs, consultations, analyses of accident causes, and industrial hygiene and industrial health services.

Act—The Workers' Compensation Act (77 P. S. §§ 1—2626).

Act 44—The act of July 2, 1993 (P. L. 190, No. 44).

Act 57—The act of June 24, 1996 (P. L. 350, No. 57).

Affiliated company—Employers which are closely related through common ownership or control.

Applicant-employer—An insured employer, an individual self-insured employer or an employer member of a group self-insurance fund having its own separate Federal Employer Identification Number (FEIN) applying to the Bureau for certification or certification renewal of its workplace safety committee.

Application—Form LIBC-372, "Application for Certification of Workplace Safety Committee," used to apply for Department certification.

Audit—An inspection of accident and illness prevention services or programs authorized by section 1001(c) of the act (77 P. S. § 1038.1(c)).

Bureau—The Bureau of Workers' Compensation of the Department.

Centralized workplace safety committee—A safety committee comprised of personnel, both employer and employee representatives, who are selected from and reasonably represent those job functions located at all auxiliary or satellite employer locations, in addition to the headquarter facilities (if the headquarters facility is located in this Commonwealth) and which represents the health and safety concerns of all personnel at those auxiliary or satellite locations.

Certification—The Departmental approval of an applicant-employer's application for certification of its workplace safety committees.

Certification renewal—Form LIBC-372R, "Certification Renewal Affidavit of Workplace Safety Committee," used to attest to the continued operation, according to Departmental requirements, of a previously certified workplace safety committee.

Commissioner—The Insurance Commissioner of the Commonwealth.

Consultation—Providing counsel and advice relative to existing and potential hazards.

Contracted accident and illness prevention services providers—A person or organization which meets the qualification standards in § 129.702 (relating to accident and illness prevention services providers qualification) under contract with an insurer, self-insurer or group self-insurance fund for the purpose of maintaining or providing accident and illness prevention services and programs as required under the act.

Department—The Department of Labor and Industry of the Commonwealth.

Director—The Director of the Bureau.

Effectiveness measures—Any one of various formulas or means used by an insurer, self-insured employer or group self-insurance fund to evaluate the adequacy of accident and illness prevention programs and services.

Group self-insurance fund—A group of employers authorized by the Bureau to act as a self-insurance fund under section 802 of the act (77 P. S. § 1036.2).

Hazard identification methods—Methods used to conduct hazard identification and for providing recommendations or suggestions for the purpose of eliminating or reducing occupational accidents, injuries and illnesses. Activities may include: providing solutions, explanations, resources, reference materials and referrals.

Industrial health services—Services that include a consultation concerning the well-being of people in relation to their job and working environment. This consultation may produce recommendations aimed at identifying, controlling and preventing exposures as part of the implementation of a program of accident and illness prevention services.

Industrial hygiene services—Services that include consultation concerning suspected chemical, physical or biological exposures. This consultation may produce recommendations designed to control or prevent identified exposures and is directed toward implementing a program of accident and illness prevention services.

Insurer's initial report of accident and illness prevention services—A report to be filed with the Insurance Department when an insurer applies for a license to write worker's compensation insurance in this Commonwealth which details accident and illness prevention services to be maintained by or provided to policyholders.

Group self-insurance fund initial report of accident and illness prevention services—A report to be filed with the Bureau when an application for group self-insurance fund status is submitted which details accident and illness prevention services to be maintained for member companies.

Insurer—An entity subject to The Insurance Company Law of 1921 (40 P. S. §§ 341—999.1718), including the SWIF, with which an employer has insured its liability under this act under section 305 of the act (77 P. S. § 501).

Loss run—A report containing an employer's incurred losses including the following information concerning an employee's injury or illness: type, cause, medical cost, compensation paid and moneys reserved for claim payment.

Member—An employer participating in a group self-insurance fund.

Program evaluation methods—Methods used to review and critique accident and illness prevention programs or services to determine adequacy.

Quorum—A majority of permanent workplace safety committee members.

Recommendations—Suggestions made to employers to eliminate or reduce the occurrence of occupational accidents and resulting injury or illness.

Renewal—A new policy offered by an insurer and accepted by an employer for the next annual anniversary date of the applicant-employer's workers' compensation insurance policy after certification of its workplace safety committee.

SWIF—The State Worker's Insurance Fund.

Self-insured employer—An individual self-insured employer who is authorized by the Department to self-insure its workers' compensation liability under section 305 of the act, or a group of employers authorized by the Department to act as a group self-insurance fund under section 802 of the act.

Survey—A review of past accident records and an onsite assessment to identify existing and potential hazards and the initiation of further corrective actions, as appropriate.

Training program—Learning experiences which enable employers or employees, or both, to enhance knowledge, skills, attitudes, and motivations concerning health and safety requirements relating to operations, processes, materials and specific work environments.

Workplace—For purposes of safety committee certification, a workplace is a permanent location in this Commonwealth of the applicant employer at which full-time or permanent part-time workers perform their job duties or from which job assignments are made and administrative controls are exercised. A workplace is distinguished from a work site. A "worksites" is defined as a temporary location at which full-time or permanent part-time workers perform their job duties for a limited period of time.

Workplace safety committee—A joint employer and employee committee established at a workplace for the purpose of hazard detection and accident and illness prevention activities.

Subchapter B. INSURER'S ACCIDENT AND ILLNESS PREVENTION SERVICES

| | |
|----------|--|
| Sec. | |
| 129.101. | Purpose. |
| 129.102. | Accident and illness prevention service requirements. |
| 129.103. | Obligation of an insured employer/policyholder. |
| 129.104. | Insurer's accident and illness prevention services providers qualifications. |
| 129.105. | Reporting requirements—applicants for licensure. |
| 129.106. | Reporting requirements—licensed insurers. |
| 129.107. | Report findings. |
| 129.108. | Recordkeeping requirements. |
| 129.109. | Periodic audits of insurer's accident and illness prevention services. |
| 129.110. | Preaudit exchange of information. |
| 129.111. | Site of audit. |
| 129.112. | Written report of audit. |
| 129.113. | Reports of progress on correcting deficiencies. |
| 129.114. | Failure to maintain or provide adequate services. |
| 129.115. | Contesting final rating determinations. |

§ 129.101. Purpose.

This subchapter interprets the requirements of the act that an insurer desiring to write workers' compensation insurance in this Commonwealth shall maintain or provide adequate accident and illness prevention services as

a prerequisite for a license to write this insurance. Services shall be adequate to furnish accident and illness prevention required by the nature of the insurer's business or its policyholders' operations. This subchapter also establishes the criteria that the Department will employ in determining the adequacy of the services required to be maintained or provided by an insurer.

§ 129.102. Accident and illness prevention services requirements.

The following, required accident and illness prevention services components will be annually evaluated for adequacy:

(1) *Notice of availability of services.* Notice that services required by this subchapter are available to the policyholder from an insurer shall appear in at least 10 point bold type and shall accompany each workers' compensation insurance policy delivered or issued for delivery in this Commonwealth. The notice shall include information about the incentive to form a workplace safety committee as described in Subchapter F (relating to workplace safety committees). The required elements of the notice include the name, address and telephone number of the contact person for additional information about the services.

(2) *Requirements to maintain accident and illness prevention services.* An insurer shall have the capacity to provide services that are adequate to furnish accident and illness prevention required by the nature of the insurer's business or its policyholders' operations. Capacity to provide services is defined as an insurer having established means to deliver services such as those listed in paragraph (3) to policyholders who may need or request them. Capacity to provide services shall be established by an insurer utilizing its own or contracted staff who shall meet the requirements established by the Department as outlined in Subchapter E (relating to accident and illness prevention services providers qualification standards).

(3) *Requirements to provide accident and illness prevention services.*

(i) An insurer shall provide services to policyholders who may need or request them that are adequate to furnish accident and illness prevention required by the nature of the insurer's business or its policyholders' operations. Services shall be provided through an insurer's own or contracted staff who meet requirements established by the Department in Subchapter E.

(ii) Required services include the following:

(A) Onsite surveys to identify existing or potential accident and illness hazards or safety program deficiencies. Surveys shall include recommendations made to the policyholder concerning abatement of hazards or program deficiencies identified as a result of the surveys. If one or more imminent danger situations or significant program deficiencies are identified, appropriate follow-up by the insurer shall be made to determine what corrective actions a policyholder has taken and to make further recommendations, as required.

(B) Analyses of the causes of accidents and illnesses at the policyholder's worksites.

(C) Evaluations of policyholder accident and illness prevention programs, with recommendations concerning program improvements.

(D) Industrial hygiene surveys appropriate to the policyholders' needs—for example, air quality.

(E) Industrial health services appropriate to the policyholders' needs—for example, wellness programs, health

screenings, substance abuse awareness and prevention training policies and programs.

(F) Accident and illness prevention training programs.

(G) Consultations regarding specific safety and health problems and hazard abatement programs and techniques.

(H) Review of planned or newly introduced industrial materials processes, equipment, layouts and techniques to identify potential hazards and to recommend methods to mitigate hazards identified.

(I) Training programs specifically designed for safety committee members such as those created under Subchapter F which include hazard inspection, accident investigation and safety committee operation.

§ 129.103. Obligation of an insured employer/policyholder.

An insured employer/policyholder requesting accident and illness prevention services as mandated by the act is obligated to provide the necessary information and access to the insurer to permit the insurer to fulfill its requirements under the act.

§ 129.104. Insurer's accident and illness prevention services providers qualifications.

(a) Accident and illness prevention services providers employed by or contracted with an insurer to perform accident and illness prevention services shall meet the qualifications specified in Subchapter E (relating to accident and illness prevention services providers qualification standards).

(b) The Bureau may require the insurer to provide proof that the qualifications for accident and illness prevention services providers have been met by each individual providing accident and illness prevention services, whether employed or under contract, based on the criteria in Subchapter E.

§ 129.105. Reporting requirements—applicants for licensure.

(a) As part of their application package for a certificate of authority submitted to the Insurance Department, applicants for a license to write workers' compensation insurance shall provide information on their accident and illness prevention services required under § 129.102 (relating to accident and illness prevention services requirements) using Form LIBC-211I, "Insurer's Initial Report of Accident and Illness Prevention Services."

(b) Failure to maintain or provide the accident prevention services is a violation of the act and an inadequate rating determination will also be reported to the Director for review in accordance with § 129.114 (relating to failure to maintain or provide adequate services).

(c) As part of the process of licensing to write workers' compensation insurance in this Commonwealth, the Insurance Department will forward to the Bureau the report in subsection (a) for a determination of adequacy. The Bureau will provide a determination of adequate or inadequate to the Commissioner.

§ 129.106. Reporting requirements—licensed insurers.

A licensed insurer shall, by March 1 of each year, provide the Bureau with information concerning accident and illness prevention services offered or provided to the insurer's policyholders during the preceding calendar year. The information shall be provided using Form AIPS and will be subject to Bureau verification.

§ 129.107. Report findings.

Upon receipt of a report required under § 129.105 or § 129.106 (relating to reporting requirements—applicants for licensure; and reporting requirements—licensed insurance), the Bureau will review the report data and make determinations of the adequacy or inadequacy of services being maintained or provided. Insurers will receive notification of adequate rating determinations. Final rating determinations of inadequate will be forwarded to the Director. The Director will provide notification to the Commissioner and to the insurer.

§ 129.108. Recordkeeping requirements.

Insurers shall maintain records of accident and illness prevention services by policyholder for the most complete current calendar year and 2 preceding consecutive calendar years which include:

- (1) The dates of the requests for services.
- (2) The services requested or problems presented.
- (3) The dates on which services were provided.
- (4) The number of hours expended providing services, including both onsite and preparatory time.
- (5) The number of service visits.
- (6) Service reports including recommendations.
- (7) The dates on which services were provided and policyholder's responses to recommendations.
- (8) The final disposition of requests.
- (9) The results of industrial hygiene and health surveys and consultations.
- (10) Accident and illness prevention training conducted.
- (11) Safety-related materials provided.

§ 129.109. Periodic audits of insurer's accident and illness prevention services.

(a) The Bureau may audit the accident and illness prevention services of each licensed insurer, including accident and illness prevention services providers qualifications, at least once every 2 years to determine the adequacy of the insurer's accident and illness prevention services.

(b) At least 60 calendar days prior to an audit, the Bureau will notify the insurer in writing of the date on which the audit will occur.

§ 129.110. Preaudit exchange of information.

(a) At least 45 calendar days prior to the audit, the insurer shall provide the Bureau with:

(1) A completed, annual AIPS report for the most recently completed calendar year and if requested, the AIPS reports for the 2 preceding consecutive calendar years including those of its affiliated companies, if applicable.

(2) A list of current insured employers/policyholders specifying name and premium size grouping which: received services; requested but did not receive services; have certified workplace safety committees; and a description of the type of accident and illness prevention services provided during the last completed calendar year.

(3) The name, address, business telephone number, qualifications and status (whether employed or contracted) of each person acting as an accident and illness prevention services provider for the insurer.

(b) The list of insured employers/policyholders will be kept confidential by the Bureau.

(c) Within 10 calendar days of receipt of the list of insured employers/policyholders, the Bureau will notify the insurer of the accounts selected for audit and the accident and illness prevention services information required concerning these accounts.

(d) At least 15 calendar days prior to the date of the audit, the insurer shall provide the account information referenced in subsection (c) to the Bureau.

(e) If the information necessary for the audit is not furnished in a timely manner, the Bureau may cancel the audit, and a final rating determination of inadequate will be forwarded to the Director. The Director will provide notification to the Commissioner and to the insurer. A rating may be challenged by the insurer in accordance with Subchapter G (relating to hearings).

§ 129.111. Site of audit.

(a) The audit of the insurer's accident and illness prevention services will take place at the insurer's main office in this Commonwealth unless otherwise agreed by the Bureau and the insurer. If the insurer has no office in this Commonwealth, the audit will take place at the Bureau's headquarters.

(b) The insurer shall provide the documentation requested or required by the Bureau at the site where the audit will occur.

§ 129.112. Written report of audit.

(a) After the conclusion of the audit, a report of findings including a final determination of adequate or inadequate will be written.

(b) The insurer will be notified of a final rating determination of adequate.

(c) If a rating determination of inadequate is assigned, specific deficiencies will be listed along with the actions necessary to correct them. Within 60 calendar days, the insurer shall comply with these recommendations, and provide satisfactory proof of correction to the Bureau. At the end of the 60 calendar day period, a final rating determination of adequate or inadequate will be assigned. The insurer will receive notification of an adequate rating. Notice of an inadequate rating will be forwarded to the Director. The Director will provide notification to the Commissioner and to the insurer.

§ 129.113. Reports of progress on correcting deficiencies.

An insurer shall file a plan of correction including a timetable for correction, acceptable to the Bureau, for any deficiency requiring more than 60 calendar days to correct. Periodic progress reports shall be filed by the insurer detailing corrective actions. The Bureau may conduct periodic audits to confirm information submitted in progress reports. At the end of the 60 calendar day correction period, a final rating determination of adequate or inadequate will be assigned. The insurer will receive notification of an adequate rating. Notice of an inadequate rating will be forwarded to the Director. The Director will provide notification to the Commissioner and to the insurer.

§ 129.114. Failure to maintain or provide adequate services.

Under Chapter 7D of the act (77 P.S. §§ 1037.1—1037.8), failure to establish, maintain or provide accident and illness prevention services, using qualified personnel,

and to provide proof of these services required under the act, may result in the Department issuing an order to show cause that may also result in one or both of the following:

(1) Denial or revocation of the privilege of writing workers' compensation insurance in this Commonwealth by the Commissioner.

(2) Finding of a civil violation of the act, subject to a maximum penalty of \$2,000 per day, under section 1001 of the act (77 P.S. § 1038.1).

§ 129.115. Contesting final rating determinations.

A party wishing to contest a final rating determination shall do so under Subchapter G (relating to hearings).

Subchapter C. INDIVIDUAL SELF-INSURED EMPLOYER'S ACCIDENT AND ILLNESS PREVENTION PROGRAMS

Sec.

- 129.401. Purpose.
- 129.402. Program requirements.
- 129.403. Individual self-insured employer's accident and illness prevention services providers qualifications.
- 129.404. Reporting requirements—individual self-insured employers.
- 129.405. Report findings.
- 129.406. Recordkeeping requirements.
- 129.407. Periodic audits of individual self-insured employer's accident and illness prevention program.
- 129.408. Preaudit exchange of information.
- 129.409. Site of audit.
- 129.410. Written report of audit.
- 129.411. Reports of progress on correcting deficiencies.
- 129.412. Failure to maintain an adequate program.
- 129.413. Contesting final rating determinations.

§ 129.401. Purpose.

This subchapter interprets the requirements of the act that an individual self-insured employer shall maintain an adequate accident and illness prevention program as a prerequisite for retention of its self-insured status. The subchapter establishes the criteria that the Bureau will employ in determining the adequacy of the accident and illness prevention program required to be maintained by an individual self-insured employer.

§ 129.402. Program requirements.

(a) An individual self-insured employer shall maintain an adequate accident and illness prevention program and maintain records for this program for the 3 most current, complete fiscal years. The program shall include the following elements:

- (1) A safety policy statement.
- (2) A designated accident and illness prevention program coordinator.
- (3) Assignment of responsibilities for developing, implementing and evaluating the accident and illness prevention program.
- (4) Program goals and objectives.
- (5) Methods for identifying and evaluating hazards and developing recommendations for their mitigation.
- (6) Industrial hygiene surveys appropriate to the nature of the individual self-insured employer's workplace environment—for example, air quality.
- (7) Industrial health services appropriate to the individual self-insured employer's workplace environment—for example, wellness programs, health screenings, substance abuse awareness and prevention training programs.

(8) Accident and illness prevention orientation and training.

(9) Regularly reviewed and updated emergency action plans.

(10) Employee accident and illness prevention suggestion and communications programs.

(11) Mechanisms for employee involvement, which may include establishment of a workplace safety committee as described in Subchapter F (relating to workplace safety committees).

(12) Established safety rules and methods for their enforcement.

(13) Methods for accident investigation, reporting and recordkeeping.

(14) Prompt availability of first aid, CPR and other emergency treatments.

(15) Methods for determining and evaluating program effectiveness. These may include:

(i) Comparison of the individual self-insured employer's incidence rate as derived using the Occupational Health and Safety Administration (OSHA)/United States Department of Labor Bureau of Labor Statistics (BLS) formula to the current OSHA/BLS industry-wide rate published annually in the BLS "Survey of Occupational Injuries and Illnesses."

(ii) Comparison of individual employer injury and illness rates determined by means of a formula prescribed by the Bureau to current, Statewide rates by industry published annually by the Bureau in the "Pennsylvania Work Injuries and Illnesses" report.

(iii) Experience modification factor.

(iv) Loss ratio.

(v) Other methods used by individual self-insured employers deemed appropriate by the Bureau.

(16) Protocols or standard operating procedures, when applicable to the workplace environment for:

(i) Electrical and machine safeguarding.

(ii) Personal protective equipment.

(iii) Hearing and sight conservation.

(iv) Lockout/tagout procedures.

(v) Hazardous materials handling, storage and disposal procedures.

(vi) Confined space entry procedures.

(vii) Fire prevention and control practices.

(viii) Substance abuse awareness and prevention policies and programs.

(ix) Control of exposure to bloodborne pathogens.

(x) Preoperational process reviews.

(xi) Others as may be appropriate for the individual self-insured employer's worksite operations.

(b) Individual self-insured employers shall maintain records describing the comparison methods chosen from subsection (a)(15) for the most current complete fiscal year and 2 preceding consecutive fiscal years. Those records shall contain at a minimum:

(1) The annual calculated rates for the methods chosen.

(2) A copy of the calculations used to determine the annual rates.

(3) A copy of the sources containing the complete data used in calculating the annual rates.

§ 129.403. Individual self-insured employer's accident and illness prevention services providers qualifications.

(a) Accident and illness prevention services providers employed by an individual self-insured employer or serving through a contract to perform accident and illness prevention services shall meet the qualifications in Subchapter E (relating to accident and illness prevention services providers qualification standards).

(b) The Bureau may require the individual self-insured employer to provide proof that the qualifications for accident and illness prevention services providers have been met by each individual providing accident and illness prevention services, whether employed or under contract, based on the criteria in Subchapter E.

§ 129.404. Reporting requirements—individual self-insured employers.

(a) At the time of reapplication for renewal of self-insurance status, an individual self-insured employer shall, as required under section 815 of the act (77 P. S. § 1036.15), provide the Bureau with detailed information on its accident and illness prevention program using form AIPPS, for the last complete fiscal year preceding the date of the renewal application.

(b) Report information shall be subject to Bureau verification.

§ 129.405. Report findings.

Upon receipt of the report required under § 129.404 (relating to reporting requirements—individual self-insured employers), the Bureau will review the report data and formulate determinations as to the adequacy or inadequacy of programs. Employers will receive notification of adequate rating determinations. Final rating determinations of inadequate will be forwarded to the Director who will provide notification to the employer and initiate appropriate action regarding the continuance of self-insurance status.

§ 129.406. Recordkeeping requirements.

Individual self-insured employers shall maintain records of accident and illness prevention program services for the most complete fiscal year and 2 preceding consecutive fiscal years which include:

(1) The dates of requests for services.

(2) The services requested or problems presented.

(3) The dates on which services were provided.

(4) The number of hours expended providing services, including both onsite and preparatory time.

(5) The number of service visits.

(6) Service reports including recommendations.

(7) The results of industrial hygiene and health surveys and consultations.

(8) Accident and illness prevention training conducted.

(10) Safety-related materials provided.

§ 129.407. Periodic audits of individual self-insured employer's accident and illness prevention program.

(a) The Bureau may audit the accident and illness prevention program of an individual self-insured employer including accident and illness prevention services providers qualifications, at least once 2 years to determine the adequacy of the employer's accident and illness prevention program.

(b) A combined audit may be conducted for affiliated companies of an individual self-insured employer if the same facilities, accident and illness prevention program, and accident and illness prevention services providers are used by each of the companies.

(c) At least 60 calendar days prior to an audit, the Bureau will notify the individual self-insured employer in writing of the date on which the audit will occur.

§ 129.408. Preaudit exchange of information.

(a) At least 45 calendar days prior to the audit, the individual self-insured employer shall provide the Bureau with:

(1) A completed, annual AIPPS report for the most recently completed fiscal year and, if requested, the AIPPS reports for the 2 preceding consecutive fiscal years including those of its affiliated companies, if applicable.

(2) The name, address and telephone number of the contact person.

(3) A description of the types of accident and illness prevention program services provided during the last completed fiscal year.

(4) The name, address, business telephone number, qualifications and status (whether employed or contracted) of each person acting as an accident and illness prevention services provider for the individual self-insured employer.

(b) At least 15 calendar days prior to the date of the audit, the individual self-insured employer shall provide the Bureau with information on forms prescribed by the Bureau that describe the employer's accident and illness prevention program.

(c) If the information necessary for the audit is not furnished in a timely manner, the Bureau may cancel the audit, and a final rating determination of inadequate will be forwarded to the Director. The Director will provide notification to the employer and initiate appropriate action regarding continuance of self-insurance status. A rating may be challenged by the insurer in accordance with Subchapter G (relating to hearings).

§ 129.409. Site of audit.

(a) The audit of the individual self-insured employer's accident and illness prevention program will take place at the employer's main office in this Commonwealth unless otherwise agreed by the Bureau and the employer. If the individual self-insured employer has no office in this Commonwealth, the audit will take place at the Bureau's headquarters.

(b) The individual self-insured employer shall provide the documentation requested or required by the Bureau at the site where the audit will occur.

§ 129.410. Written report of audit.

(a) After the conclusion of the audit, a report of findings including a final determination of adequate or inadequate will be written.

(b) The individual self-insured employer will be notified of a final rating determination of adequate.

(c) If a rating determination of inadequate is assigned, specific deficiencies will be listed along with the actions necessary to correct them. Within 60 calendar days, the employer shall comply with these recommendations, and provide satisfactory proof of correction to the Bureau. At the end of the 60 calendar day period, a final rating determination of adequate or inadequate will be assigned.

The employer will receive notification of an adequate rating. Notice of an inadequate rating will be forwarded to the Director. The Director will provide notification to the employer and initiate appropriate action regarding continuance of self-insurance status.

§ 129.411. Reports of progress on correcting deficiencies.

An individual self-insured employer shall file a plan of correction including a timetable for correction, acceptable to the Bureau, for any deficiency requiring more than 60 calendar days to correct. Periodic progress reports shall be filed by the employer detailing corrective actions. The Bureau may conduct periodic audits to confirm information submitted in progress reports. At the conclusion of the correction period, a final rating determination of adequate or inadequate will be assigned. The employer will receive notification of an adequate rating. Final rating determinations of inadequate will be forwarded to the Director. The Director will notify the employer and initiate appropriate action regarding continuance of self-insurance status.

§ 129.412. Failure to maintain an adequate program.

Under Chapter 7D of the act (77 P.S. § 1037.1—1037.8), failure to establish or maintain an accident and illness prevention program, using qualified personnel, and to provide proof of these services required under the act may result in the Department issuing an order to show cause that may also result in one or both of the following:

(1) Denial or revocation of the privilege of self-insurance status in this Commonwealth by the Bureau.

(2) Finding of a civil violation of the act, subject to a maximum penalty of \$2,000 per day, under section 1001 of the act (77 P.S. § 1038.1).

§ 129.413. Contesting final rating determinations.

A party wishing to contest a final rating determination shall do so under Subchapter G (relating to hearings).

Subchapter D. GROUP SELF-INSURANCE FUND'S ACCIDENT AND ILLNESS PREVENTION PROGRAMS

Sec.

- 129.451. Purpose.
- 129.452. Program requirements.
- 129.453. Group self-insurance fund accident and illness prevention services providers qualifications.
- 129.454. Reporting requirements—applicants for group self-insurance fund status.
- 129.455. Reporting requirements—group self-insurance funds.
- 129.456. Report findings.
- 129.457. Service requirements.
- 129.458. Recordkeeping requirements.
- 129.459. Periodic audits of group self-insurance fund's accident and illness prevention program.
- 129.460. Preaudit exchange of information.
- 129.461. Site of audit.
- 129.462. Written report of audit.
- 129.463. Reports of progress on correcting deficiencies.
- 129.464. Failure to maintain or provide an adequate program.
- 129.465. Contesting final rating determinations.

§ 129.451. Purpose.

This subchapter establishes the criteria that the Bureau will employ in determining the adequacy of the accident and illness prevention program required by a group self-insurance fund under the act as a prerequisite for retention of group self-insurance fund status.

§ 129.452. Program requirements.

(a) A group self-insurance fund shall maintain or provide an adequate accident and illness prevention program

and maintain records for this program for the 3 most current fiscal years. The program shall contain the following elements:

- (1) A safety policy statement.
- (2) A designated accident and illness prevention program coordinator.
- (3) An assignment of responsibilities for implementing and evaluating the accident and illness prevention program.
- (4) Program goals and objectives.
- (5) Mechanisms for employee involvement, which may include establishment of a workplace safety committee including a safety committee as described in Subchapter F (relating to accident and illness prevention services providers qualification standards).
- (6) Employee accident and illness prevention suggestion and communications programs.
- (7) Methods for accident investigation, reporting and recordkeeping.
- (8) Methods for determining and evaluating program effectiveness. These may include:
 - (i) Comparison of the group self-insurance fund incidence rate as derived using the Occupational Health and Safety Administration (OSHA)/Bureau of Labor Statistics (BLS) formula to the current, published OSHA/BLS industrywide rate.
 - (ii) Comparison of the group self-insurance fund injury and illness rates determined by means of a formula prescribed by the Bureau to current, published Statewide rates by industry.
 - (iii) Experience modification factor.
 - (iv) Loss ratio.
 - (v) Other methods used by group self-insurance funds deemed appropriate by the Bureau.
- (9) Protocols or standard operating procedures, when applicable, to the workplace environment for:
 - (i) Electrical and machine safeguarding.
 - (ii) Personal protective equipment.
 - (iii) Hearing and sight conservation.
 - (iv) Lockout/tagout procedures.
 - (v) Hazardous materials handling, storage and disposal procedures.
 - (vi) Confined space entry procedures.
 - (vii) Fire prevention and control practices.
 - (viii) Substance abuse awareness and prevention policies and programs.
 - (ix) Control of exposure to bloodborne pathogens.
 - (x) Preoperational process reviews.
 - (xi) Others as may be appropriate for members' worksite operations.

(b) Group self-insurance funds shall maintain records describing the comparison methods chosen from subsection (a)(8) for the most current fiscal year and 2 preceding consecutive fiscal years. Those records shall contain at a minimum:

- (1) The annual calculated rates for the methods chosen.
- (2) A copy of the calculations used to determine the annual rates.

(3) A copy of the sources containing the complete data used in calculating the annual rates.

§ 129.453. Group self-insurance fund accident and illness prevention services providers qualifications.

(a) Accident and illness prevention services providers employed by a group self-insurance fund or serving through a contract to perform accident and illness prevention services shall meet the qualifications specified in Subchapter E (relating to accident and illness prevention services providers qualification standards).

(b) The Bureau may require the group self-insurance fund to provide proof that the qualifications for accident and illness prevention services providers have been met by each individual providing accident and illness prevention services, whether employed or under contract, based on the criteria in Subchapter E.

§ 129.454. Reporting requirements—applicants for group self-insurance fund status.

(a) As part of its application package for group self-insurance fund status submitted to the Bureau, an applicant for self-insurance fund status shall provide the Bureau with detailed information on its accident and illness prevention program that will be offered or provided to fund members as required under § 129.457 (relating to service requirements) using form LIBC-231G, "Initial Report of Accident and Illness Prevention Program Status."

(b) As part of the process of granting group self-insurance fund status, the Bureau will use this information to determine whether to grant group self-insurance fund status.

§ 129.455. Reporting requirements—group self-insurance funds.

(a) A group self-insurance fund shall provide the Bureau with detailed information on its accident and illness prevention program using Form LIBC-230G, "Annual Report of Accident and Illness Prevention Program Status By Group Self-Insurance Funds," along with the annual report to the Bureau required under section 815 of the act (77 P. S. § 1036.15).

(b) A group self-insurance fund shall also provide information describing the established methods used to identify individual fund members requiring accident and illness prevention services. A group self-insurance fund shall also provide data describing accident and illness prevention services efforts for the identified members and the effectiveness of these efforts in improving injury and illness rates.

(c) Report information shall be subject to Bureau verification.

§ 129.456. Report findings.

Upon receipt of a report required under § 129.454 or § 129.455 (relating to reporting requirements—applicants for group self-insurance fund status; and reporting requirements—group self-insurance funds), the Bureau will review the report data and formulate determinations as to the adequacy or inadequacy of programs. Group self-insurance funds will receive notification of adequate rating determinations. Final rating determinations of inadequate will be forwarded to the Director who will provide notification to the group self-insurance fund and initiate appropriate action regarding the continuance of group self-insurance fund status.

§ 129.457. Service requirements.

A group self-insurance fund shall maintain or provide through its own or contracted accident and illness prevention services providers the following accident and illness prevention services to members:

(1) Onsite surveys to identify existing or potential accident and illness hazards or safety program deficiencies. Recommendations shall be made to the fund member concerning abatement of hazards or program deficiencies identified as a result of the surveys. If one or more imminent danger situations or program deficiencies are identified, at least one follow-up visit shall be made to determine what corrective action the fund member has taken and to make further recommendations, if required.

(2) Analyses of the causes of accidents and illnesses at the members' worksites.

(3) Industrial hygiene surveys appropriate to the members' needs—for example, air quality.

(4) Industrial health services appropriate to members' needs—for example, wellness programs and health screenings.

(5) Accident and illness prevention training programs, including safety committee training.

(6) Onsite and telephone consultations regarding specific safety and health problems and hazard abatement programs and techniques.

(7) Review of planned or newly introduced industrial materials, processes, equipment, layouts and techniques to identify potential hazards and to recommend methods to mitigate any hazards identified.

§ 129.458. Recordkeeping requirements.

(a) Group self-insurance funds shall maintain records of accident and illness prevention programs or services for each member for the most complete current fiscal year and 2 preceding consecutive fiscal years which include:

- (1) The dates of requests for services.
- (2) The services requested or problems presented.
- (3) The dates of the group self-insurance fund's responses.
- (4) The dates on which services were provided and member responses to recommendations.
- (5) The number of hours expended providing services including both onsite and preparatory time.
- (6) The final disposition of requests.
- (7) The number of service visits.
- (8) Service reports including recommendations.
- (9) The results of industrial hygiene and industrial health surveys and consultations.
- (10) Accident and illness prevention training conducted.
- (11) Safety-related materials provided.
- (12) Member responses to group self-insurance fund recommendations.

(b) Group self-insurance funds shall annually solicit comments from its members regarding the effectiveness of the accident and illness prevention program provided by the group self-insurance fund. This information shall be made available to the Bureau upon request.

§ 129.459. Periodic audits of group self-insurance fund's accident and illness prevention program.

(a) The Bureau may audit the accident and illness prevention program of a group self-insurance fund including accident and illness prevention services providers' qualifications at least once every 2 years to determine the adequacy of the fund's accident and illness prevention program.

(b) A combined audit may be conducted for affiliated companies of a group self-insurance fund if the same facilities, accident and illness prevention program, and accident and illness prevention services providers are used by each of the companies.

(c) At least 60 calendar days prior to an audit, the Bureau will notify the group self-insurance fund administrator in writing of the date on which the audit will occur.

§ 129.460. Preaudit exchange of information.

(a) At least 45 calendar days prior to the audit, the group self-insurance fund administrator shall provide the Bureau with:

(1) A completed annual AIPPS report as prescribed by the Bureau for the most recently completed fiscal year and, if requested, the AIPPS reports for 2 preceding consecutive fiscal years including those of its affiliated companies, if applicable.

(2) A list of the fund members, including the company name, address, telephone number and contact person. Indicate the types of accident and illness prevention program services provided to selected fund members during the last completed group self-insurance fund fiscal year.

(3) The name, address, business telephone number, qualifications and status (whether employed or contracted) of each person acting as an accident and illness prevention services provider for the group self-insurance fund.

(b) The list of fund members will be kept confidential by the Bureau.

(c) At least 15 calendar days prior to the date of the audit, the fund administrator shall provide the Bureau with information on forms prescribed by the Bureau that describe the selected fund member's accident and illness prevention program.

(d) If the information necessary for the audit is not furnished in a timely manner, the Bureau may cancel the audit, and a final rating determination of inadequate will be forwarded to the Director. The Director will notify the fund administrator and initiate appropriate action regarding continuance of group self-insurance fund status. A rating may be challenged by the fund administrator in accordance with Subchapter G (relating to hearings).

§ 129.461. Site of audit.

(a) The audit of the group self-insurance fund's accident and illness prevention program will take place at the fund administrator's main office in this Commonwealth unless otherwise agreed by the Bureau and the fund administrator. If the group self-insurance fund has no office in this Commonwealth, the audit will take place at the Bureau's headquarters.

(b) The group self-insurance fund shall provide all documentation requested or required by the Bureau at the site where the audit will occur.

§ 129.462. Written report of audit.

(a) At the conclusion of the audit, a report of findings including a final determination of adequate or inadequate will be written.

(b) The group self-insurance fund will be notified of a final rating determination of adequate.

(c) If a rating determination of inadequate is assigned, specific deficiencies will be listed along with the actions necessary to correct them. Within 60 calendar days, the group self-insurance fund administrator shall comply with these recommendations, and provide satisfactory proof of correction to the Bureau. At the end of the 60 calendar day period, a final rating determination of adequate or inadequate will be assigned. The group self-insurance fund administrator will receive notification of an adequate rating. Notice of an inadequate rating will be forwarded to the Director. The Director will provide notification to the group self-insurance fund administrator and initiate appropriate action regarding continuance of group self-insurance fund status.

§ 129.463. Reports of progress on correcting deficiencies.

A group self-insurance fund administrator shall file a plan of correction including a timetable for correction, acceptable to the Bureau, for any deficiency requiring more than 60 calendar days to correct. Periodic progress reports shall be filed by the group self-insurance fund administrator detailing corrective actions. The Bureau may conduct periodic audits to confirm information submitted in progress reports. At the conclusion of the correction period, a final rating determination of adequate or inadequate will be assigned. The group self-insurance fund administrator will receive notification of an adequate rating. Final rating determinations of inadequate will be forwarded to the Director. The Director will notify the group self-insurance fund administrator and initiate appropriate action regarding continuance of group self-insurance fund status.

§ 129.464. Failure to maintain or provide an adequate program.

Under Chapter 7D of the act (77 P.S. §§ 1037.1—1037.8), failure to establish, maintain or provide accident and illness prevention services, using qualified personnel, and to provide proof of these services required under the act may result in the Department issuing an order to show cause that may also result in one or both of the following:

(1) Denial or revocation of the privilege of group self-insurance fund status in this Commonwealth by the Bureau.

(2) Finding of a civil violation of the act, subject to a maximum penalty of \$2,000 per day, under section 1001 of the act (77 P.S. § 1038.1).

§ 129.465. Contesting final rating determinations.

A party wishing to contest a final rating determination shall do so under to Subchapter G (relating to hearings).

**Subchapter E. ACCIDENT AND ILLNESS
PREVENTION SERVICES PROVIDERS
QUALIFICATION STANDARDS**

Sec.

129.701. Purpose and scope.

129.702. Accident and illness prevention services providers qualifications.

129.703. Procedures for obtaining designation recognition.

129.704. Proof of accident and illness prevention services providers qualifications and experience.

§ 129.701. Purpose and scope.

This subchapter sets forth the qualification standards for accident and illness prevention services providers. These qualifications apply only to those individuals either directly employed by or retained under contract with either a workers' compensation insurer, self-insured employer or group self-insurance fund and who provide accident and illness prevention services for the workers' compensation insurers' policyholders, the self-insured employer or group self-insurance fund members. Procedures by which organizations and associations may apply for recognition of designations or certifications are also outlined.

§ 129.702. Accident and illness prevention services providers qualifications.

(a) A workers' compensation insurer, individual self-insured employer or group self-insurance fund shall directly employ qualified accident and illness prevention services providers or shall retain qualified contracted accident and illness prevention services providers as described in this section to provide accident and illness prevention services.

(b) An individual providing accident and illness prevention services as an employee or contracted accident and illness prevention services provider shall be responsible for supplying annual proof of his current qualifications to the insurer, individual self-insured employer or group self-insurance fund.

(c) The insurer, self-insured employer or group self-insurance fund administrator shall be responsible for reviewing proof of accident and illness prevention services providers qualifications according to the criteria in subsection (d). Verification shall be submitted to the Bureau as part of annual reports of accident and illness prevention services and programs specifying that all employed or contracted accident and illness prevention services providers providing accident and illness prevention services during the reporting period meet current, approved qualifications.

(d) An individual shall be recognized as a qualified accident and illness prevention services provider within the meaning of section 1001 (a) and (b) of the act (77 P.S. § 1038.1(a) and (b)) and this subchapter, by providing verification that the individual possesses one or more of the following qualifications:

(1) An educational degree or certification recognized by the Bureau in accident and illness prevention fields from accredited institutions or programs and at least 2 years of acceptable experience as set forth in subsection (e).

(2) A certification or designation recognized by the Bureau from a professional organization in the field of accident and illness prevention and at least 2 years of acceptable experience in subsection (e).

(3) A certification or designation from an industry-specific accident and illness prevention program recognized by the Bureau and at least 2 years of acceptable experience as set forth in subsection (e). Holders of recognized certifications or designations will be restricted to the delivery of accident and illness prevention services as defined by the specific program within a given industry.

(e) The 2 years of accident and illness prevention experience required in subsection (d) shall include current, full-time professional experience providing accident and illness prevention services which accounts for at least 60% of the individual's activities. Acceptable

activities include: identifying hazards, conducting safety and health surveys, providing corrective recommendations, analyzing accident causes, and recommending or providing industrial hygiene and industrial health surveys and consultations.

(f) The Bureau will maintain a listing of recognized organizational certifications or designations. Inquiries may be made to the Bureau for current information reflecting additions or deletions to that listing.

(g) A person who is currently employed by an insurer, individual self-insured employer or group self-insurance fund to provide accident and illness prevention services and who does not possess any Bureau recognized qualifications as outlined in subsection (d) shall have 5 years from the filing date of the annual report on which the accident and illness prevention services providers is first listed, to meet one or more of the requirements listed in subsection (d). The activities of accident and illness prevention services providers claiming this category of qualification shall be directed by a services provider currently holding a recognized qualification during the 5-year period in which a recognized credential is being earned. After that 5-year period, an individual who has not obtained a recognized qualification and submitted acceptable proof to the Bureau, through the employing or contracting insurer, individual self-insured employer or group self-insurance fund may not be recognized as a qualified accident and illness prevention services provider for purposes of the act and this chapter.

§ 129.703. Procedures for obtaining designation recognition.

The Bureau will accept applications from educational programs, certifying organizations or specific industry programs requesting recognition of designations or certifications. The form and content of applications will be specified by the Bureau. Appeals from a denial of designation recognition may be taken in accordance with Subchapter G (relating to hearings).

§ 129.704. Proof of accident and illness prevention services providers' qualifications and experience.

Proof of an individual's qualifications and experience as an accident and illness prevention services provider shall be maintained by the insurer, individual self-insured employer or group self-insurance fund. For audit purposes, the proof of qualification for each accident and illness prevention services provider shall be retained for the most complete current year and 2 preceding consecutive years.

Subchapter F. WORKPLACE SAFETY COMMITTEES

Sec.

- 129.1001. Purpose.
- 129.1002. Application for initial certification.
- 129.1003. Minimum eligibility requirements.
- 129.1004. Committee formation and membership.
- 129.1005. Committee responsibilities.
- 129.1006. Committee member training.
- 129.1007. Certification.
- 129.1008. Certification renewal affidavit.
- 129.1009. Information verification.
- 129.1010. Recordkeeping requirements.
- 129.1011. Contesting final determinations.

§ 129.1001. Purpose.

This subchapter sets forth the certification criteria for the operation of workplace safety committees established for the purpose of accident and illness prevention. An applicant-employer shall meet the criteria in this

subchapter to obtain certification or certification renewal of its workplace safety committees for its workplaces within this Commonwealth.

§ 129.1002. Application for initial certification.

(a) An applicant-employer desiring to apply for certification of its workplace safety committee shall file form LIBC-372, "Application for Certification of Workplace Safety Committee," with the Bureau. An application shall be filed for each legal entity of the applicant-employer.

(b) For the purpose of certification, an applicant-employer shall file one application which shall incorporate all of the applicable applicant-employer workplaces within this Commonwealth.

(c) Applications shall be submitted to the Bureau between 90 and 30 calendar days prior to the annual renewal of a workers' compensation policy, self-insurance renewal year or group self-insurance fund year.

§ 129.1003. Minimum eligibility requirements.

(a) An applicant-employer's committees shall be located within this Commonwealth.

(b) The committee shall be in existence and operating according to the requirements of this subchapter for 6 full, consecutive calendar months prior to the signing, dating and submission of the application.

(c) The committee membership shall reasonably represent all of the job activities of the workplaces it represents.

(d) The committees shall be composed of a minimum of two employer-representatives and a minimum of two employee-representatives.

(e) Employer-representatives include foremen, supervisory and managerial personnel and are individuals who, regardless of job title or labor organization affiliation, function in the capacity of employer representative, based upon an examination of that individual's authority or responsibility to do one or more of the following:

- (1) Select or hire an employee.
- (2) Remove or terminate an employee.
- (3) Direct the manner of employee performance.
- (4) Control the employee.

(f) Employee-representatives are individuals who perform services for an employer for valuable consideration and do not possess any authority or responsibility described in subsection (e).

(g) A person may not function as both an employer-representative and an employee-representative.

§ 129.1004. Committee formation and membership.

(a) An applicant-employer who has only one workplace within this Commonwealth shall form a single workplace safety committee at that workplace within this Commonwealth for the purpose of certification.

(b) An applicant-employer who has more than one workplace within this Commonwealth may form either a single, centralized workplace safety committee representing each of its workplaces within this Commonwealth or separate and individual safety committees at each workplace within this Commonwealth for the purpose of certification.

(c) The committee shall be composed of at least an equal number of applicant-employer and employee representatives unless otherwise agreed upon by both parties. A satisfactory, written explanation to the Bureau is

required when a committee is not composed of an equal number of applicant-employer and employee-representatives and a majority of applicant-employer representatives exists. The explanation shall be signed by one employer and one employee committee representative.

(d) Employee-representatives of the committees shall:

(1) Be permitted to take reasonable time from work to perform committee duties, without loss of pay or benefits.

(2) Serve a continuous term of 1 year. Member rotation should be structured so that there is always at least a core group of experienced members serving on the committee at any given time. Records of member rotation shall be maintained by the applicant-employer for 5 years from the date of application submission.

§ 129.1005. Committee responsibilities.

(a) To be granted certification, the workplace safety committees shall have responsibilities including:

(1) Representing the accident and illness prevention concerns of employees at every applicant-employer workplace.

(2) Reviewing the applicant-employer's hazard detection and accident and illness prevention program and making written recommendations.

(3) Establishing procedures for periodic workplace inspections by the safety committees for the purpose of locating and identifying health and safety hazards. The locations and identity of hazards shall be documented in writing, and the committees shall make recommendations to the applicant-employer regarding correction of the hazards.

(4) Conducting timely review of incidents resulting in work-related deaths, injuries and illnesses and of complaints regarding health and safety hazards made by committee members or other employees.

(5) Conducting follow-up evaluations of newly implemented health and safety equipment or health and safety procedures to assess their effectiveness.

(6) Establishing a system to allow the committee members to obtain safety-related suggestions, reports of hazards or other information directly from persons involved in the operation of the workplace.

(b) A quorum of committee members shall meet at least monthly.

(c) The committees shall additionally:

(1) Develop operating procedures, such as rules or bylaws, prescribing the committees' duties.

(2) Develop and maintain membership lists.

(3) Develop a written agenda for each committee meeting.

(4) Maintain committee meeting attendance lists.

(5) Take and maintain minutes of each committee meeting which the applicant-employer shall review and maintain for 5 years for inspection by the Bureau, at the Bureau's discretion. Copies of minutes shall be posted or made available for all employees and shall be sent to each committee member.

(6) Ensure that the reports, evaluations and recommendations of the committees become part of the minutes of the meeting which shall include:

(i) Inspection reports.

(ii) Reports on specific hazards and corrective measures taken.

(iii) Reports on workplace injuries or illnesses.

(iv) Management responses to committees reports.

(7) Set a reasonable time limit for the applicant-employer to respond in writing to all safety committees recommendations.

(8) Make decisions by majority vote.

§ 129.1006. Committee member training.

(a) The applicant-employer shall, itself or through its insurer, provide adequate, annual training programs for each committee member listed in the application.

(b) Annually required committee member training shall at a minimum address:

(1) Hazard detection and inspection.

(2) Accident and illness prevention and investigation (including substance abuse awareness and prevention training), safety committee structure and operation.

(3) Other health and safety concerns specific to the business of the applicant-employer.

(c) Prior to submitting an application to the Bureau and annually thereafter, all committee members shall receive training in the topics listed in subsection (b) from individuals who possess the qualifications of accident and illness prevention services providers as defined in Subchapter E (relating to accident and illness prevention services providers qualification standards) or who have been recognized by the Bureau as qualified trainers.

(d) Applicant employers are responsible for providing verification of trainer qualifications to the Bureau and supplying, as necessary, documentation supporting individual trainer qualifications.

(e) The applicant-employer shall maintain written records of safety committee training including:

(1) The names of committee members trained.

(2) The dates of training.

(3) The training time period.

(4) The training methodology.

(5) The names and credentials of personnel conducting the training.

(6) The names of training organizations sponsoring training, if applicable.

(7) The training location.

(8) The training topics.

(f) These training records shall be retained for 3 calendar years from the date the training was conducted.

§ 129.1007. Certification.

(a) If the Bureau determines that the applicant-employer's committees meets the requirements, it will send a letter of certification approval to the applicant-employer. Certification approval is granted to an applicant-employer who, by signing the acknowledgements and agreements page of the application agrees to continue to operate the workplace safety committee according to all requirements upon which initial certification is based. Committees may not be disbanded by the employer except for valid business reasons.

(b) The insured applicant-employer may submit a copy of the letter of certification approval to its insurer to receive an initial 5% reduction of its workers' compensation premium. The reduction will be effective upon the commencement of the policy renewal period next following the date of Bureau certification. An applicant-employer who is a member of a group self-insurance fund established to grant a 5% reduction in annual member contributions, shall submit a copy of the letter of certification to its fund administrator to receive the initial 5% contribution reduction. The reduction will be effective at the commencement of the next group self-insurance fund year following certification.

(c) The Bureau will notify the Pennsylvania Compensation Rating Bureau of approved insured applicant-employers.

(d) If an application is disapproved, the applicant-employer will receive a letter listing specific reasons for disapproval. The applicant-employer may resubmit a corrected application for reconsideration prior to the renewal of its workers' compensation policy, self-insurance renewal year, or group self-insurance fund year. The applicant-employer may challenge the disapproval determination under Subchapter G (relating to hearings).

§ 129.1008. Certification renewal affidavit.

(a) After initial certification, the applicant-employer may, using form LIBC-372R, "Certification Renewal Affidavit of Workplace Safety Committee," apply to the Bureau for renewal of its initial safety committee certification. Affidavits will be generated by the Bureau and provided to eligible applicant-employers for submission. Affidavits shall be submitted to the Bureau between 90 and 15 calendar days prior to the annual renewal of a workers' compensation policy, self-insurance renewal year, or group self-insurance fund year. Certification may be renewed for a total of 4 remaining years after the initial certification.

(b) If an applicant-employer has established additional safety committees which have not previously been certified, an "Application for Certification of Workplace Safety Committee" shall be completed and approved before certification renewal can be granted. Certification renewal approval is granted to an applicant-employer who, by signing the acknowledgements and agreements page of the affidavit, attests that the certified workplace safety committee has continued to operate according to the requirements upon which initial certification approval was based. Committees will not be disbanded by the employer except for valid business reasons.

(c) If the Bureau determines that the applicant-employer has met certification renewal requirements, it will send a letter of certification renewal approval to the applicant-employer.

(d) An insured applicant-employer shall submit a copy of the letter of certification renewal to its insurer to receive a 5% premium reduction of its workers' compensation insurance premium at the next renewal premium period following the date of Bureau certification renewal. An applicant-employer who is a member of a group self-insurance fund established to grant a 5% reduction in annual member contributions, shall submit a copy of the letter of certification renewal approval to its fund administrator to receive the renewal 5% contribution reduction.

The reduction will be effective at the commencement of the next group self-insurance fund year following certification renewal.

(e) The Bureau will notify the Pennsylvania Compensation Rating Bureau of all approved insured applicant-employers.

(f) If a renewal is disapproved, the applicant-employer will receive a letter listing specific reasons for disapproval. The applicant-employer may resubmit a corrected renewal affidavit for reconsideration prior to the renewal of its workers' compensation policy, self-insurance renewal year, or group self-insurance fund year. The applicant-employer may challenge the disapproval under Subchapter G (relating to hearings).

§ 129.1009. Information verification.

The Bureau reserves the right to verify the information submitted by application or affidavit including pertinent supporting documentation.

§ 129.1010. Recordkeeping requirements.

The applicant-employer shall maintain copies of the required documents of the functioning committee for at least 3 years.

§ 129.1011. Contesting final determinations.

A party wishing to contest a final disapproval or rejection determination shall do so under Subchapter G (relating to hearings).

Subchapter G. HEARINGS

Sec.

129.1301. Purpose.

129.1302. Request for hearing.

129.1303. Hearing process.

§ 129.1301. Purpose.

This subchapter sets forth the process to be followed for hearings related to appeals of final determinations under this chapter.

§ 129.1302. Request for hearing.

(a) A party contesting a final determination shall file an original and two copies of a written request for a hearing to the Director within 30 calendar days of the date of the determination. The hearing request shall be made to the Bureau at the address listed on the determination.

(b) A proof of service indicating the date and form of service shall be provided to the Bureau at the time the request for hearing is filed.

§ 129.1303. Hearing process.

(a) The Director will assign requests for hearings to an impartial hearing officer who will schedule a de novo hearing. The hearing officer will provide notice to parties of the hearing date, time and place.

(b) The hearing will be conducted in a manner to provide the parties with an opportunity to be heard. The hearing officer will not be bound by strict rules of evidence.

(c) Testimony will be recorded and a full record kept of the proceeding.

(d) Following the close of the record, the hearing officer will issue a written final decision and order.

(e) Any party to the hearing aggrieved by a decision rendered under subsection (d), may within 30 days, appeal the decision to the Commonwealth Court. The hearing officer's determination will include a notification to the parties of their appeal rights.

(Editor's Note: Chapter 143 found at 34 Pa. Code pgs. 143-1 to 143-26, serial pgs. (200493) to (200516) and (235603) to (235604) is proposed to be deleted in its entirety.)

Chapter 143. (Reserved)

§ 143.1. (Reserved).

§ 143.2. (Reserved).

§§ 143.101—143.118. (Reserved).

§ 143.401. (Reserved).

§ 143.411—143.414. (Reserved).

§§ 143.451—143.458. (Reserved).

§ 143.701—143.703. (Reserved).

§ 143.1001—143.1009. (Reserved).

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